

EXHIBIT 11 to Declaration of Joel Israel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.,

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK, PLC,

Defendant.

Case No. 05-cv-4622 (DGT) (MDG)

NATAN APPLEBAUM, et al.,

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK, PLC,

Defendant.

Case No. 07-cv-916 (DGT) (MDG)

STIPULATION

Plaintiffs, by and through their counsel, and Defendant National Westminster Bank Plc ("NatWest"), by and through its counsel, hereby stipulate and agree that NatWest shall not object pursuant to Fed. R. Evid. 901, 902 or 1001-1004 to the admissibility in evidence of the document attached hereto as Exhibit A as a true and authentic copy of what was depicted at the web address <http://cryptome.org/za-hamas.htm> when the existence of that web address was [REDACTED], as set forth in the document produced by NatWest in these lawsuits, bearing production number NW212124, and from September 24, 2001 through August 16, 2010.

Dated: August 25, 2010

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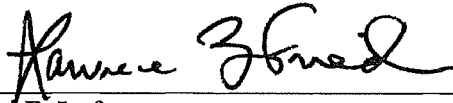
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EXHIBIT A

South African National Intelligence Agency - Hamas (Islamic Resistance Movement) Al-... Page 1 of 30

24 September 2001

From Anonymous

The briefing document below was prepared for the South African President, Thabo Mbeki, during 1998 in response to the Muslim uprising in the Western Cape Province to protest the decline in Law and Order under his administration, principally organized drug dealing, murder, prostitution and rape (South Africa has the highest murder, rape and HIV-infection statistics globally). An amalgamation of devout Muslim groups with some Christians, part of Mbeki's African National Congress (ANC) 'Alliance' with the Communist Party (SACP), formed an organization, People Against Gangsterism and Drugs (PAGAD). Mbeki was a member of the SACP Politbureau.

The report examines international Muslim militancy and its presence locally. It was drawn up on the relayed order of the Minister of Intelligence, Joe Nhlanhla (since suffered a stroke), by the section of the National Intelligence Agency (NIA) that reports directly to the Office of the President.

This section also monitors the democratic opposition in South Africa (communications, foot and vehicular surveillance and records sexual conduct videographically), journalists (their detention, recruitment and expulsion in the case of one foreign accredited writer) and his own Cabinet (Deputy President Jacob Zuma and Public Works Minister Jeff Radebe with whose wife he is close. Radebe was Mbeki's colleague on the Central Committee of the SACP, along with Govan Mbeki, the President's father who is recently deceased).

Mbeki had grown anxious at the loss of mulatto support in Western Cape where they are the electoral majority. The legislative capital is in Cape Town. He was convinced that they were being organized by Hamas and Islamic Jihad. His concerns were triggered on the advice of the Muslim-Communists, Essop Pahad (Deputy Minister in his office and confidant), the brother of Essop, Aziz (Deputy Minister of Foreign Affairs), Dullah Omar (Minister of Justice, now Minister of Transport) and Kadar Asmal (Minister of Water Affairs and Forestry, now Education Minister). These Muslim-Communists were alarmed at the eroding support for the ANC-SACP in the Western Cape and escalating use of force by PAGAD against the drug gangs and their leaders and their street propaganda against the ANC-SACP. Coinciding with American aerial bombing of Iraq, PAGAD cells were believed to be behind the bombing of the Plant Hollywood restaurant in Cape Town, a symbol of the United States. PAGAD refutes the allegations claiming NIA and Security Police provocateurs were responsible. PAGAD has been a priority target for the Mbeki apparatus and several of its members have been indicted on serious criminal charges while investigating the bombings in Cape Town. Among these was the arrest by traffic police of an NIA agent who was transporting pipe bombs from Johannesburg (Jhb) to Cape Town. Criminal trials against PAGHAD are in progress in the Western Cape.

PAGAD is not organizationally linked with the International Islamic Militants who prefer to keep South Africa a rear base for military training, convalescence, fund raising, media and proselytizing. They have an understanding with the ruling ANC-SACP. PAGAD arose out of the local, mostly Islamic opposition to criminality and the contradictions within the ANC-SACP.

The NIA briefing was not well received by the President's Office, in part for mentioning the presence of militants (page 34) at the two Islamic Conference held in consecutive years in the Muslim ghetto, Laudium, near Pretoria, the executive capital. Present under protection of the NIA, the South African Secret Service (SASS), the Security Police (SAPS) and the President's Office were Hamas, Al Qaeda, Islamic Jihad, Taliban, Islamic Salvation Front (Algeria), Hezbollah and Chechen rebels at the time

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engaged against the Russian military in Grozne. The surveillance against Muslim extremists mentioned in the report, with the exception of those in PAGAD was suspended. Embassy surveillance against Islamic states supportive of terrorism remained intermittent or non existent, the preferred focus remaining on the following diplomatic premises and staffers by the NIA Counter Espionage (NIA (CE)) section headed by a mulatto Hilton "Tim" Dennis (in order of priority):

1. USA
2. Israel
3. United Kingdom
4. France
5. Germany
6. Italy
7. Portugal

After Nhlanhla's stroke and the public discovery of an NIA (CE) surveillance camera aimed at the German embassy in Pretoria, Dennis was promoted by Mbeki to head the SASS, the South African equivalent of the CIA. In this role Dennis has strengthened links with Libya's Musa/Moosa Kusa (wanted for conspiracy in the downing of a French airliner over Africa). Kusa heads Mohammad Ghaddafi's Jamahiriya Security Organization and is a frequent guest of SASS in Pretoria.

Mbeki believes himself adept at handling both the internal contradictions of the ANC-SACP and international politics, particularly between African-based Islamic fundamentalism and the West. South Africa holds both the chair the Non Aligned Movement and the British Commonwealth. Relations with the United States were easier under the Clinton Administration and his Under Secretary of State for Africa, Suzan Rice. Symbolically Mbeki's power to persuade the US embassy to lower its flag to half staff in mourning for the death of the head of the SACP in April 1993 was viewed across the continent as an indicator of his growing influence over Washington, the more so when it was learned that Ambassador, Princeton Lyman, had to lower the flag himself after the US Marine non-commissioned guards refused to do so. The later establishment of a USA-SA bi-national commission was considered a crowning diplomatic achievement by the ANC-SACP until it was ended earlier this year by US Vice President Richard Cheney.

Rice's successor, Walter Kanstienner, who wished to be Ambassador to South Africa wants the bi-national commission resurrected. Previously he had drafted a glowing background brief paper on Mbeki for President-elect Bush before their meeting with at the Bush ranch near Austin, Texas. Communist and ANC leaders who organized the two Islamic Conferences in Pretoria were concerned that that Kantstienner's book "South Africa: Revolution or Reconciliation" (1988) indicated a strong Republican Party perspective. In his work Kanstienner attacked the ANC-SACP as a group of "violent revolutionaries" engaged in an "unjustified" and "Marxist" struggle without a mandate from the people. Further he urged each American to "resist the temptation to become (...) a romantic revolutionary supportive of violent revolutionary tactics". His subsequent shift in perspective and sudden U-turn on dealing with the South African government was attributed by the Hamas, Taliban and Hezbollah supporters in the ANC-SACP government to his benefiting from the privatization deal last year (since stalled on implementation) for American companies to buy out the South African state telecommunications company, Telkom. Kanstienner is to direct the diplomatic effort the United States makes in Africa to defeat Islamic terrorist networks alongside Mbeki's administration.

The NIA briefing report provides insight into the international, clandestine organization of Islamic extremists. Based on composite source documents from the NIA/SASS archive, it outlines the type of structure and organization Washington intends confronting during the second phase of the "New War on Terrorism". Also the networking between Islamic militant organizations is mentioned in some detail.

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Much of the information was provided by the declared, CIA head of station in Pretoria under the bilateral agreement with NIA/SASS and the Israeli intelligence representative at a time the Mossad (Central Institute for Intelligence and Special Duties) was completing its re-organization.

Cover Page

SECRET

National Intelligence Agency

THE GENERAL MANAGER SPECIAL PROJECTS

[no handling instruction: single recipient]

HAMAS (ISLAMIC RESISTANCE MOVEMENT) AL-MUJII AL ISLAMIIYAJ

[index redacted] [ideography retained]

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HAMAS (ISLAMIC RESISTANCE MOVEMENT) / AL- MUJII AL ISLAMIIYAJ

HAMAS is a Palestinian based organisation which was formed with the purpose of fighting for the Palestinian people because of the oppression they experienced by the Jewish state and Palestinian government.

BACKGROUND

Prior to the formation of HAMAS, the Muslim Brotherhood (MB) felt the need for an internal organization to oppose Israeli occupation. Several cell structures, such as "al-Majd" (intelligence) and "al-Mujahidun" (commando) which was formed in 1983, were formed to fill this void. Israeli forces however managed to infiltrate and crack several of these units soon after their formation. On 1987-12-14 Ahmed YASSIN formed the PALESTINIAN ISLAMIC RESISTANCE MOVEMENT as an offshoot of the MB. HAMAS structures took over the secret MB cell structures which were already in place, including "al-Majd" (intelligence) and "al-Mujahidun" (commando).

HAMAS was formed from two previous groups started by Sheikh YASSIN:

- the ISLAMIC COMPOUND;
- the ISLAMIC AID SOCIETY;
- served as the principle instrument for the activities of the MUSLIM BROTHERHOOD (founded in Egypt in 1928) in Palestine, setting up a network of kindergartens, schools, seminaries and mosques, and the ISLAMIC AID SOCIETY, all of which were used to recruit Palestinians who regarded the PLO leadership as tainted and corrupt.

HAMAS was found by Sheikh Ahmad YASSIN on 14 December 1987, shortly after the uprising in Palestinian refugee camps in the Gaza strip (a few days after the INTIFADA began).

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HAMAS is supported by the smaller ISLAMIC JIHAD and the POPULAR FRONT.

HAMAS is an outgrowth of the EGYPTIAN IKHWAN ORGANISATION. HAMAS also has recruited members of the former followers of the DFLP.

HAMAS is a fanatical splinter group that also attracted Palestinian recruits after the 1982 Israeli invasion of Lebanon. Working behind the scenes was the fundamentalist regime in IRAN which sought to create a sympathetic movement among Palestinians in Southern Lebanon.

The Israeli government used the HAMAS to undermine those arguing for negotiations between Israel and the PLO. The Israeli authorities saw the Israeli military tolerated the HAMAS until 1988 when the HAMAS influence spread to the Israeli-controlled WEST BANK and GAZA STRIP. Here it was argued, was an organisation whose existence denied ARAFAT's claim to represent all Palestinians. The HAMAS is now regarded as the "SWORN DESTROYER OF ISRAEL" and the Israeli's are now too aware of the danger the HAMAS poses.

In 1983, Sheikh YASSIN was arrested for establishing a military wing for the movement, known as AL-MUJAHEDIN AL FALESTINIIN (THE PALESTINIAN FIGHTERS), and for have hidden weapons in his home.

At the start of the Palestinian uprising, INTIFADA, in December 1987, Sheikh YASSIN brought together the AL-MUJII/AL-MUJAHEDIN groups under the umbrella of a group called the HAMAS.

In 1989 the HAMAS movement was outlawed by the Israeli government authorities.

On 20 December 1992, since the beginning of the INTIFADA, HAMAS and Arafat's FATAH FACTION of the PLO joined forces "AGAINST THE ISRAELI OPPRESSION IN ORDER TO BRING BACK DEPORTED BROTHERS". HAMAS also capitalises on Palestinian frustrations.

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IRAN believes that the HAMAS to be the group most able to thwart US policies for peace in the Middle East.

IDEOLOGY

In August 1988 HAMAS published the "ISLAMIC CHARTER" within which it defines itself as the Palestinian branch of the Muslim Brotherhood. HAMAS ideology as reflected is basically identical with that of the main stream brotherhood. However in the course of the INTIFADA its priorities have changed and this is manifest in the charters articles: HAMAS gives priority to the Islamic Charter of Palestine and emphasizes the need for immediate entering the "JIHAD" stage and sees this as the only solution for the Palestinian problem. On this bases they consider any Jewish target whether it be military or civilian, local or abroad as justified for action.

HAMAS strives to raise "THE BANNER OF ALLAH OVER EVERY INCH OF PALESTINE" which was considered to be "PART OF THE ETERNAL ISLAMIC HERITAGE".

The HAMAS sees itself as the spearhead of a mass movement fighting against the "WARMONGERING JEWS" and "WORLD ZIONISM".

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HAMAS reject all initiatives and so-called peaceful solutions and international conferences on the issue of Palestine. It considers these to be "A WASTE OF TIME AND VAIN ENDEAVOURS" -- no part of the territory may be given up.

In 1992 IRAN steered HAMAS towards a closer alliance with the SHIITE HEZBOLLAH movement in Lebanon.

In short HAMAS has the following aims and objectives:

i) Establishing an Islamic state;

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ii) Liberating Palestine;

iii) Liberation of West Bank and Gaza Strip;

iv) Islamization of society;

v) Establishing the legitimacy of the armed struggle;

vi) Continuation of the INTIFADA;

vii) Preserving national unity between all Palestinians regardless of religion;

viii) Activating Arab and Muslim backing for the Palestinian cause;

ix) Release of detainees;

x) Establishing political legitimacy;

xi) Rejection of expulsion policy;

xii) The complete withdrawal of Israeli forces from the occupied territories;

xiii) Disarming all Jewish settlers and dismantling of settlements;

xiv) The deployment of international peacekeeping forces on the green line;

xv) End to detention and brutalization of civilians and detainees;

xvi) End to occupational policies, such as travel restrictions, corruption, prostitution, etc;

xvii) Free general elections; and

xviii) Representation in negotiations for Palestine.

POLITICAL OBJECTIVES

The HAMAS refuses to accept the legitimacy of a permanent Jewish presence in Palestine. HAMAS

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strategy remained one of "wearing down the enemy, confusing him so that he does not grow comfortable and reminding the world that there is a homeland under occupation".

STRUTURE/STRENGTH

Based in the GAZA and WEST BANK.

In February 1993 HAMAS claimed the allegiance of up to 40% of the Palestinians in the

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HAMAS' leadership in the Gaza Strip is rather independent in its decision-making, though there is a certain degree of coordination with the West Bank. The importance of the latter has increased in the course of the uprising, also because most of the senior activists in the Gaza Strip were arrested (late September - October 1988) Hebron has emerged as the old-new centre of HAMAS activity.

Sheikh Ahinad YASSIN the spiritual leader of HAMAS' to a great extent shapes the movement's concepts and determines the main characteristics of its activity. It appears, that the next generation of leaders has started to emerge particularly on the West Bank.

Based upon this, signs of a split are emerging at the top of the HAMAS structure between pragmatists and conservatives over which political and military strategy will be best. Sheikh Ahmed YASSIN said he was prepared to call for the end of all military activities, including suicide attacks if Israel agreed to withdraw from the West Bank including Jerusalem and the Gaza Strip. His view is shared by Muza Abu MARZOUK. This marks the first time HAMAS is willing to discuss a cease-fire with Israel (officially HAMAS does not recognize Israel). Supporters of the conservative trend include Khalid MESHAAAL, Abdelaziz RANTISSI and the military wing of HAMAS, Ezzedin al-Qassatn, who support the jihad to establish an Islamic state. But YASSIN changed his position again afterwards.

Mohammed Jamal NATSHI (Security-General of HAMAS, NATSHI also acts as spokesperson in Al Khalil (Hebron)¹. Abdul Aziz RANTISI is one of the more militant HAMAS spokesmen inside the Gaza Strip.

¹ Information received from Intelligence Unit Gauteng 1997-09-01.

HAMAS is controlled and guided by the world wide MUSLIM BROTHERHOOD's MAJIS AL-SHURA (Council of Sages), particularly the Jordanian branch.

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The Jordanian Council once included Mussa Muhammad Abu-MARZOOK.

Musa Abu MARZOUK (Chief of HAMAS' Political Bureau/Committee)². Abu-MARZOOK's position has been taken over by Khaled MASHA'L (resides in Jordan).

² MARZOOK was in prison in the United States and deported to Jordan.

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Other prominent activists residing in Jordan includes Muhummas SIAM and Khiri AL-AA'.

The Political committee or "POLITBUREAU" (main base is in Jordan) of HAMAS directs its strategic policy which deals mainly with foreign relations with other movements and organizations, government bodies and various Islamic clerical bodies. Subordinate to the political committee are 5 main frameworks:

i) HAMAS infrastructure in the occupied territories (HAMAS as part of the Muslim Brotherhood, adopted a similar organizational structure comprising of two parallel organizational frameworks:

a) Clandestine -- The internal clandestine operation is divided into 5 main apparatuses:

1) Military Apparatus who is responsible for military activities operates the EZZIDIN AL-QASSAM (formerly called ABDALLAH AZAM) that has head quarters in both Libya and Iran with its training base in Sudan numbering around three thousand personnel. This structure operate independently from the main HAMAS operations. This military wing operate in cells of two to three persons per cell. EZZEDIN AL QASSAM BRIGADES (HAMAS military wing) has approximately 100 members, and has carried out numerous bloody attacks on Israeli soldiers, citizens and Palestinians who collaborated with the Jewish state. Ezzidin Al-Qassam is headed by Ibrahim MAKADMEH³.

³ MAKADMEH disappeared in October 1997. It is believed that he may be detained by the Palestinian Authority, although he is wanted by both the Palestinian and Israeli security services.

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2) Security Apparatus who is responsible for collecting intelligence, counterintelligence among other organizations in the territories, interrogation and surveillance of collaborators, guarding people and documents. This apparatus is responsible for securing the activities of the other apparatuses. It is very active in prisons.

3) "Activity" Apparatus who is responsible for uprising related activities.

4) Israeli Arabs -- HAMAS views Israeli Arabs as its fifth column.

5) Dawa Apparatus is responsible for recruiting and training activists, and operating all the movements institutional civilian activities. HAMAS consider this apparatus as the most important -- it is manned by the most qualified people with the highest budget.

b) Overt or public. As mentioned Dawa are being considered as the focus point of this organization -- it is mostly carried out by lawful institutions. Overt public activities have two main overall objectives:

1) Controlling and shaping religious life based upon fundamentalism. To this end HAMAS has taken control of, and or established charity committees and foundations, mosques, educational institutions (from kindergarten to academic institutes), it has recruited clerics and senior Waqf officials to establish the Palestinian Association of Religious Sages (which has pretensions of being some kind of supreme religious authority).

2) Acquiring power bases and positions of power in Palestinian politics and society. HAMAS built its own 'super' institutions to establish independent and separate systems in the

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following spheres:

- Health
- "Medical Science Association"
- Education
- "Islamic Association for Culture and Sciences" and
- Economics
- "Palestinian Beit El-Mal Society".

HAMAS has also nominated its own candidates in elections for civilian bodies and institutions, such as trade bureaus, trade unions, workers

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committees and student councils, with the purpose of gaining control. To achieve these goals, HAMAS established:

- A Financial system based on a wide source of Islamic financial resources, bodies to syphon funds in the Persian Gulf, the United States and Britain and supervision over funds transferred from the 'outside' to the 'inside'.
- A sophisticated Propaganda machine, that includes a news agency ('QUDS PRESS) in Britain with offices in the territories and Jerusalem; an official (FALESTIN EL-MOUSLIMA) and unofficial (SAWT EL-KHAK WAEL-KHOURIA, newspaper of the ISLAMIC MOVEMENT Israel); propaganda mouthpieces through local and international publishing houses and libraries. Through its civilian activities, HAMAS has succeeded in establishing its own institutions that are separate and independent of both the civil administration and currently of the Palestinian Authority. These institutions provide medical, educational, welfare and cultural services to a large part of the population. These institutions provide to the population's daily needs that created a direct affiliation between the movement and service recipients. This resulted in an increase in recruits.

HAMAS has inter alia the following departments:

- i) Shura Council
- ii) Leading bureau, that encompasses several technical departments:
 - * Administrative;
 - * Information;
 - * Charity;
 - * Political;
 - * Security;

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- * Military

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Each department has its own subdivision. In Palestine each region is comprised of families and branches. They are answerable to an administrative centre.

HAMAS members fall into four distinct categories:

i) INTELLIGENTSIA -- The intelligence unit has the following directives:

- a) Surveillance of collaborators and drug dealers;
- b) Castigate informers, prostitutes and drug dealers (verbal to execution);
- c) Distribution of information leaflets;
- d) Warn people against Israel recruitment policies and collaboration;
- e) Write and disburse communiqués;
- f) Manage logistics; and
- g) Monitor crime in the occupied territories.

ii) COMMANDO UNITS:

- a) Establish usar (families) and underground cells;
- b) Gather information on the IDF and their activities for use in future operations;
- c) Conduct training sessions; and
- d) Carry out military operations.

iii) SHEIKS (religious leaders)

iv) YOUNG LEADERSHIP CANDIDATES

v) ACTIVISTS

Both the intelligence and command units operate inside the territories and Israel. The "al Maktab al-I'Lami (Information Department)" and the "al-Maktub al-Siyassi (Political Department)" operate from outside the borders. The information department, located in Jordan, is responsible for preparing and disseminating press releases and publications. The political department deals with HAMAS' foreign relations.

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Based upon an analysis HAMAS' overt and clandestine activities the following conclusion can be made:

* Most of HAMAS' personnel and material resources are channelled into overt public activities (for example Dawa), and only a small share of these resources are utilized in clandestine activities.

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* The military activity depends on the public and religious sphere in order to spot possible activists, to educate and train these activists and to collect material and aid.

* All of HAMAS' activities (religious or military) is directed and financed by the HAMAS directorate overseas, mainly in Jordan, Britain and the United States.

HAMAS' INTERNATIONAL STRUCTURE

HAMAS' overseas infrastructure is based on directorates: The Political Bureau; the Internal Committee; and the Propaganda Committee, in addition to nationwide local bodies in various countries.

INTERNAL COMMITTEE

Its main function is to direct HAMAS activities in the territories, including the civilian apparatuses and infrastructure. The Committee acts on a number of levels:

- i) Political level that guide the HAMAS directorate in the territories on the peace process, autonomy, and the Palestinian Authority.
- ii) Terrorist level that provide long-distance control, it also direct aid to the terrorist apparatus.
- iii) The Civilian level direct the civilian infrastructure to form an alternative to the PLO.
- iv) Financial aid -- transferring funds to overall HAMAS activities and infrastructure in an orderly and controlled manner.

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The Committee is header by Imad Al-ALAMI, who operates from Damascus. The following sections are under his control:

- i) Secretariat and Communications -- operates in London under Hafez AJAJ. This section is responsible for communications between the Western countries and the territories, it also does the bookkeeping, including the balancing of the budget and deals with transferring funds.
- ii) Planning and Research -- operates in London under Mouhamad Kazam SAWALHA (former head of the terrorist apparatus in the territories), who engages in political activities, propaganda and financial coordination relating to terrorist activities.
- iii) Security -- operates from London under Maher Gawad SALEH.
- iv) Recruitment -- operates from Amman under Khaled El-MASHA'L (Abu-MARZOOK's deputy).
- v) Students -- operates from Sudan under Alaa RIFATI. It engages in students administrative matters around the world.

2. PROPAGANDA COMMITTEE

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This body manages all HAMAS' propaganda in the territories and abroad. It operates from Amman under HAMAS spokesman Ibrahim GHOUHA.

The Committee operates in two main spheres:

- i) Verbal Propaganda -- Conferences, events and media interviews. Verbal propaganda is broadcast by the Arab radio stations.
- ii) Written Propaganda -- Publications, newspapers and pamphlets. For example HAMAS's weekly newspaper AL RISALAH, with editor Ghazi HAMAD.

The Committee uses 2 communication channels for this purpose:

- i) 'QUDS PRESS NEWS AGENCY' with branches in the territories and throughout the world whose purpose is to collect information, feed the media,

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mainly its own press and publications.

- ii) 'FALASTIN AI-MUSLIMA' gathers information in Jordan and published and distributed in Britain. This movement also distributes newspapers in other countries and is known to be the most prominent propaganda tool and leadership mouthpiece. Propaganda work is also done in mosques, religious centres and universities.

3. FINANCE COMMITTEE

The Finance Committee is the central financial body that authorizes and distributes the HAMAS budget. It operates in Jordan, Britain, the United States and in Saudi Arabia under the control of the MUSLIM BROTHERHOOD.

The Committee raises funds through foundations and representations throughout the world, some of it is earmarked for apparatus' activities and some for the civilian infrastructure.

HAMAS' financial sources are divided into a number of main groups:

- i) International Islamic communities
- ii) Non-Islamic charity bodies throughout the world
- iii) Private donors
- iv) Official donors.

Funds are distributed from source to syphon funds serving mainly HAMAS around the world. Many of these are primary funds like the INTERNATIONAL PALESTINIAN RELIEF AND DEVELOPMENT FUND -- INTERPAL (former PALESTINE RELIEF AND WELFARE FUND) in London and the HOLYLAND FOUNDATION in Texas. Other are secondary funds in Germany, France and Jordan.

Funds are transferred from the different sources through the syphon funds to the territories through one or more of the following channels:

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- i) Bank transfers to banks in Jordan or the territories;
- ii) Money changes -- deposits overseas are cashed in the territories against receipts;
- iii) Couriers mainly from Jordan and the United States; or
- iv) A combination of any of the above mentioned 3 channels in order to blur the traces.

There are two main channels via which funds are transferred:

- i) Apparatus funds -- Authorization is given in the United States, the funds are transferred from Britain to Jordan, or directly to the territories in coordination with Hafez AJAJ to Riad ABU-AL-ABD (Imam AL-ALAMI's deputy).
- ii) Civilian infrastructure funds -- Requests for funds are made directly by HAMAS-related institutions in the territories to the financial institutions abroad, who authorize, collect and transfer the allocated funds to each institution.

Transfer of funds:

- i) From EUROPE -- Funds are transferred from Europe through two secondary foundations which are responsible for raising funds:
 - a) AL-AQSA Foundation in Germany, which raises funds in the Netherlands and Belgium;
 - b) CBSP FOUNDATION in France, which raises funds in Austria and Switzerland.
 - Funds from Scandinavia are directly transferred to INTERPAL in Britain.
 - Finances are directed in Britain.
- ii) From the United States
 - a) Funds from the United States are transferred through the HOLYLAND FOUNDATION in Richardson, Texas and other branches throughout the United States.
 - b) Funds that are directed by the foundation in the United States originated in the JERUSALEM FOUNDATION in Canada, in various Islamic

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institutions in the United States for example MERCY INTL, the SAAR FOUNDATION, and a fund in Brazil that is responsible for fundraising in South America.

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c) The HOLYLAND FOUNDATION also invests in a number of its own projects.

d) A bank account in the name of T.A.I.T. (a company) channels funds to HAMAS apparatuses and infrastructure in the territories.

iii) From the Gulf States

a) Most of the Islamic financial institutions with the MUSLIM BROTHERHOOD operate in the Gulf States (Saudi Arabia, Kuwait and the United Arab Emirates).

b) Money from the Gulf are mainly channelled according to the world wide deployment of branches of those institutions. For example the El' MOUNASERA FUND in Kuwait transfers funds via INTERPAL in Britain (its overseas branch). The AMMAN-based charitable works authority in the UAE transfers funds through the authority's branch in Jordan. Official funds are transferred from Saudi Arabia to the territories through INTERPAL in Britain and the HOLYLAND FOUNDATION in the United States.

c) Gulf funds are unofficially divided into Muslim or private funds, except for Saudi Arabia, where the source of some of the funds transferred to HAMAS is official.

iv) From Iran

a) Iran transfers a few million dollars annually to HAMAS, as well as assistance in the form of training and weapons.

b) Although the route through which the money is channelled is not known, funds are raised by HAMAS representatives in Lebanon, Syria and Jordan through the Iranian embassies.

c) Iran also transfers money to HAMAS via the FALLEN SOLDIERS FUND in Lebanon (a financial body that serves HEZBOLLAH).

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v) From Africa

a) Pro-HAMAS financial activity in Africa is centred in Sudan through the head office of the ISLAMIC RELIEF AGENCY (ISRA).

b) ISRA transfers money to the territories through its Jordan branch, headed by Walid KASEGH to the ISRA's representative in the territories, Gamil HAMAMI (head of the ISLAMIC ASSOCIATION FOR CULTURE AND SCIENCES).

vi) From the Far East

a) Funds are transferred from HAMAS in Malaysia, Indonesia, India, Philippines, Hong Kong and Thailand.

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b) Funds are transferred from Malaysia to the MEDICAL SCIENCE ASSOCIATION in the territories headed by ABD AL-WADOUD TAMIMI.

It is widely assumed that money for HAMAS comes largely from IRAN and rich Islam orientated benefactors in the GULF STATES, but HAMAS also raises considerable funds within the territories, particularly the GAZA STRIP.

The ISLAMIC REFORM SOCIETY raises money for HAMAS through charity organisations and also on a social-security/welfare system.

The Saudi Arabians have diverted financial support from the PLO to HAMAS, although the Saudis deny such assistance is being given.

Funding also comes from Muslim communities abroad -- USA, UK and FRANCE.

Late December 1992 - early January 1993 IRAN and HAMAS representatives signed a draft agreement on IRANIAN financial, political, moral and military support for HAMAS.

The organisations main funding comes from Iran and Saudi Arabia, while additional funding

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comes from fundamentalist Muslim organisations in the West (30% of the organisations funds come from such organisations). The main organisation collecting funds in South Africa is AL-AQSA, based in Johannesburg.

4. HAMAS CLANDESTINE INFRASTRUCTURE

HAMAS' clandestine infrastructure abroad is aimed at training a hard core of activists for religious and nationalist activities and some for the PLO. This infrastructure operates under cover of overt activity, including propaganda and education. Clandestine activists are also involved in overt activities.

The infrastructure is headed by one person who is responsible for the national network. Subject to him are the regional heads who operate cells of 3-5 activists in their region. The level of secrecy is so high that cells do not know of each others activities.

Cell activists are usually recruited in mosques from amongst the overall population of HAMAS activists and supporters who turn up for regular activities. Candidates for clandestine activity are spotted in the crowd and directed towards cell activities.

Activities include mainly religious studies, nationalist lectures and other general subjects.

Investigations revealed that many of the activists belonging to HAMAS secret cells in the United States had undergone terrorist training.

HAMAS has an office in Sudan from where HAMAS members travel to various African countries including South Africa, to forge closer links with the Muslim communities in these countries.

The leader of HAMAS in Sudan is Imad-Eddin EL-AYYOUBY⁴.

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4 EL-AYYOUBY is a Syrian national with a B.Sc degree in Argucultural Engineering

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According to information received from Port Elizabeth HAMAS is an unified leading bureau that resorts to a higher authority namely the "Shura council" that is directly elected;

* Security and military systems are formed as part of the technical system of the structure.

MILITARY OPERATIONS

HAMAS members receive military training in HAMAS bases in Sudan, Libya and Iran. The main provider of military aid is the Iranian Presidential Guard.

According to HAMAS operators there are no differences between military and civilian targets.

Mosques serve as a focal point for terrorist activities: As DLB's; for transferring weapons and messages; and for the training of people for suicide missions.

LOCATION

HAMAS recruits are being trained in LEBANON, SUDAN and IRAN.

In 1992 the Iranian government has pledged its full support to HAMAS, and pledged to train thousands of HAMAS fighters in urban guerilla warfare although Iran has not recognised HAMAS as the "SOLE LEGITIMATE REPRESENTATIVE OF THE PALESTINIAN PEOPLE" (the PLO's traditional title).

LINKS

HAMAS has close ties with:

i) PFLP

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ii) PFLP-GC (Ahmed JIBRIL)

The overtures of PFLP-GC towards HAMAS on the basis of their common basic opposition to any political negotiations and compromises with Israel, have led to a certain level of ties between them, despite the basic differences in their policies. It was the PFLP-GC that initiated and pushed for cooperation with HAMAS. After Abu JIHAD's assassination, contacts between the two organizations somewhat improved and this was manifest in covert coordinations, particularly on the subject of the political process.

iii) DFLP -- which have tended to reject the idea of a compromise with Israel.

iv) PLO -- relations with the PLO has been less positive as the two have been jostling for supremacy in Gaza's refugee camps and towns for several years. But none of the official

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statements made by senior HAMAS activists since the beginning of the uprising have questioned the PLO's status as the legal representative of the Palestinian people.

The HAMAS Charter stresses its being a unifying body and expresses its willingness to place its members at the disposal of the PLO as 'soldiers' once the organization abandons the secular path. The 'conflict' is based upon the fact that HAMAS advocates a "total solution" to the dispute with the Jews, to be achieved through the liberation of all of Palestine by means of jihad (and not by political negotiations), and the establishment of an Islamic society and regime.

Palestinian Authority (PA) -- based upon the PA crackdown on HAMAS (the closing of 16 of HAMAS's institutions and the arrest of 100 of HAMAS's activists during the raid of September 1997), it is a possible trend that HAMAS will turn against the PA. Even within the military wing there is a splinter group, called the "Secret Cells" led by Sheikh Ibrahim MAKADMEH, who openly advocates the assassination of top Palestinian officials.

v) HAMAS has good connections with the PALESTINIAN NATIONALIST ELEMENTS

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in the REJECTIONIST FRONT (anti-peace talks).

vi) HAMAS has strong links with the powerful MUSLIM BROTHERHOOD in JORDAN, its main base. HAMAS headquarters in JORDAN is situated in the ISLAMIC MOVEMENT PARLIAMENTARY OFFICE in AMMAN under the protection of the MUSLIM BROTHERHOOD.

vii) In 1993 Ibrahim GHOSHESH claimed that HAMAS also established close ties in TURKEY, PAKISTAN and NORTH AMERICAN countries, indeed "everywhere where there is an Islamic power".

STRATEGIC INFORMATION

HAMAS members receive military training in the Sudan from the NIF. They send approximately 1000 members for training at one time. In mid 1991 HAMAS began attacking both military and civilian Israeli targets.

In April 1993, the USA government declared HAMAS as a terrorist group in its annual terrorist report citing its increasing use of lethal tactics such as fire-arms and car bombs, and its responsibility for attacks on Israeli civilian and military targets.

HAMAS WORLD-WIDE INFRASTRUCTURE

Jordan -- The main centre for HAMAS activity outside the territories. It includes the offices of the Movement's three Central Committees and directs terrorist activity and intensive financial activity. Activities are based on the local MUSLIM BROTHERHOOD infrastructure where it greatly influences the movement.

Syria -- The main thrust of the movement includes aiding the terrorist apparatus by transferring weapons, money and activists. The movement's representative also engages in political activity

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including contact with Syria's regime and other Palestinian organizations.

Lebanon -- Most of the activities involve military and political connections with HEZBOLLAH through HAMAS' representative Moustafa LIDAWI, political activity and transfer of funds from Iran.

Iran -- Activities manifest through military training and the supplying of funds and weapons for attacks. These support are channelled through Osam HAMDAN, the HAMAS representative in Iran.

Sudan -- HAMAS' activities focus on military training. Based upon widespread religious and nationalist student activities in Khartoum, Sudan is a fertile ground for HAMAS activities.

Egypt -- Egypt host an infrastructure of collaborators who help with the smuggling in and out of HAMAS activists. There is also a pro-HAMAS financial activity in Egypt.

Yemen -- Through the influence of Mouhamad SIAM (the HAMAS representative in Yemen), HAMAS make use of a broad student infrastructure and other political activities.

Libya -- Assists wanted HAMAS activists staying in Libya, who are on their way to the territories. Libya also transfer funds to HAMAS.

Saudi Arabia -- HAMAS' financial activities is based in Saudi Arabia through official and non-official institutions and private sources.

Kuwait and the UAE -- HAMAS activities centre around the transferring of funds from institutions and non-official sources.

Britain -- HAMAS infrastructure in Britain centre around financial activities, propaganda and Internal Committee activities, through a wide basis of activists and institutions.

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Germany -- HAMAS activities includes fundraising, propaganda and clandestine activities [text missing] the call for training to be used in terrorist activities was uncovered. Host the AL-AQSA FUND responsible for Western Europe.

France -- An organization known as CBSP is responsible for HAMAS propaganda and fund raising.

Belgium and the Netherlands -- HAMAS fundraising through the AL-AQSA FUND based in Germany.

Spain -- The SYRIAN MUSLIM BROTHERHOOD based in Madrid provide an infrastructure for HAMAS.

Greece -- HAMAS has an activist infrastructure in Athens and Pairs. Greece also host the LEBANESE GAMILYA EL-ISLAMIYA activists.

Scandinavia -- HAMAS activities in Denmark is limited to the providing of funds. It is also known that Sweden host an Islamic Palestinian infrastructure.

India -- HAMAS has an activist/student infrastructure in India that has an input in terrorist activities.

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HAMAS is also using India as a springboard for HAMAS activists that received military training in Afghanistan.

Malaysia -- A HAMAS cell operates in coordination with the JERUSALEM MEDICAL SCIENTIFIC ASSOCIATION. On a previous occasion HAMAS attempted to open an official office for financial purposes.

Philippines and Thailand -- Most of HAMAS' activities is of a financial nature.

Australia -- Based upon information received in 1994 HAMAS has a cell in Canberra that have

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access to weaponry as well as intelligence referring to Jewish interests in Australia.

South America -- HAMAS has infrastructures in Venezuela, Brazil and the Border Triangle. Brazil channels funds to HAMAS through the HOLYLAND FOUNDATION.

Canada -- The HAMAS infrastructure in Canada forms part of the infrastructure in the United States. The JERUSALEM FUND operating in Ontario is a source of funds for the HOLYLAND FOUNDATION in the United States.

HAMAS FRONT ORGANIZATIONS

HAMAS, with the aim of achieving operational independence from secular bodies in the occupied territories established and controls several front organizations throughout the world. Most of these organizations are used to collect funds to sponsor HAMAS operatives who are busy with military and religious training and who are hiding from prosecution in other countries. Funds are also used to establish new cell structures and command structures around the globe and to fund military and social programmes in Palestine and other countries.

The most important of these HAMAS front organizations are the INTERNATIONAL PALESTINE RELIEF AND DEVELOPMENT FUND (INTERPAL) based in London.

Other smaller front organizations include the HOLY LAND FOUNDATION based in Texas in the UNITED STATES OF AMERICA.

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1. INTERNATIONAL PALESTINE RELIEF AND DEVELOPMENT FUND (INTERPAL)

ADDRESS:
112 Criclewood Lane
Box 3333
London NW2 2DP
London NW6 1RW
TEL 01814508002
FAX 01814508004

BANK PARTICULARS

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NATIONAL WESTMINSTER BANK with the following INTERPAL accounts:

- i) INTERPAL Main STG Account: 95142940
- ii) INTERPAL Administrative Account: 95142983
- iii) INTERPAL Children Account: 95142975
- iv) INTERPAL Zakaat Fund: 95142967
- v) INTERPAL Interest Money Account: 95142959
- vi) INTERPAL US Dollar Account 140-00-04156838

IMPORTANT FIGURES⁵:

- i) Abd El Rahman Mouhmad Abou DAYA (Chairman)
- ii) Essam Yossef MUSTAFA (International liaison = responsible for South Africa)
- iii) M Safi'a
- iv) M Tulaba
- v) A Saker

⁵ It is important to note that the most prominent members are from the Gulf states, in particular Saudi Arabia.

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vi) Abed (Abd) El Rahim NASSERALLA

- Member of the Trustees of INTERPAL
- Originally from Saudi Arabia
- According to information (IS) NASSERALLA is the covert head of INTERPAL.
- Could be identical to "MISRALA" mentioned in the report⁶ from Port Elizabeth.

⁶ Report nr. 1843 (1997-10-30) -- According to the report Agmat Sharief NOEL had contact with Sheikh MISRALA.

INTERPAL could be described as the HAMAS fund in Western Europe.

HAMAS through INTERPAL operate on an international basis through a global network of AL-AQSA

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structures (HAMAS = INTERPAL = AL-AQSA).

i) In Western Europe the base of AL-AQSA is in Germany with sub-bases in the Netherlands and Belgium.

AL-AQSA INTERNATIONAL FOUNDATION AAIF/AIF

The AL-AQSA INTERNATIONAL FOUNDATION's head office is London and it supports HAMAS's terror campaign against Israel and regard Yasser ARAFAT as a sell-out.

An information note was sent from the AL-AQSA Foundation, P.O. Box 2364, Islamabad, Pakistan (tel : 92-51-261091, fax: 261092) to all relevant Muslim organisations in South Africa. (in the information note the suicide bombings are condoned, because it is not against the teachings of Islam. The QURAN is used as justification for the suicide bombings. The Quran states that any Muslim who offers his life for the good of Islam and Allah, or to sow dissention and confusion within enemy ranks, will be assured a place in heaven. This is in contract with normal Islamic teachings which condemns suicide as being against the patience and religious virtues as preached in the Quran.)

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AL-AQSA is active in South Africa since 1992, with the visit of Sheikh Muhammed Mahmoud SEYOM (the former Imam of the Grand AL-AQSA MOSQUE in Jerusalem, in 1988 he was banned to SUDAN where he opened a similar office) was accompanied by Abu YUSUF (director of the "PALESTINE AND LEBANON RELIEF FUND"). Abu YUSUF opened a few mosques and addresses in Walmer Estate, Woodstock.

This organisation is a front for HAMAS in South Africa. The political wing of HAMAS are in control of this office. It is important to note that South African Al-Aqsa International foundation forms part of a network: AIF ISLAMABAD - AIF JORDAN - AIF SOUTH AFRICA.

AL-AQSA INTERNATIONAL FOUNDATION offices in South Africa:

AMOCA GARDENS BUILDING
2de Floor Mint Ave 40 (- 14)
Fordsburg Johannesburg

P O BOX 421082
FORDSBURG 2033
Fax : (011) 8342918

South African AL-AQSA INTERNATIONAL FOUNDATION board of Trustees exist out of the following individuals:

- Whadan Amin Aref KHUNFUR a Abu Ahmed
- SAI GABRIELS
- Dr. E Muhammed - Muntuz UL - Moulana Mumzal AL HAQ.

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This front organisation has a bank account at First National Bank, Industria account nr 9000028878. Funds are deposit in South Africa by supporters of HAMAS, where after these funds are being transferred to HAMAS in their struggle against Israel.

Funds are being channelled from the USA through AIF to organisations who:

- Who oppose the government;
- Where Muslims are in the minority
- Where Islam is under threat; and
- Where Muslims fight against an illegitimate government or system.

Abdul ACHMAD member of HAMAS (exiled Palestinian. AL-AQSA INTERNATIONAL FOUNDATION, AMOCA GARDENS Building, Johannesburg). Asked for financial assistance for HAMAS in Israel, during a meeting of "THE COMMITTEE TO STOP THE HOLOCAUST AGAINST MUSLIMS".

During a meeting (1996-03-04, Bosmont Mosque, Jhb) of militant leaders⁷, Abu ACHMED was introduced as the HAMAS contact person in South Africa. Abdul ACHMAD member of HAMAS (exiled Palestinian).

7 Militant leaders included: Sheik Murshid DAVIDS Sheik YAHYAN Iqbal JAS SAT Sheik ISMAIL Sheik Iqbal JHAZBHAY Abu ACHMED Bilaal MOTSAU, Abu ACHMED was introduced as the HAMAS contact person in South Africa.

During a meeting (1996-03-04, Bosmont Mosque, Jhb) of militant leaders, Whadan Amin Aref KHUNFUR a Abu ACHMED⁸ was introduced as the HAMAS contact person in South Africa.

8 Whadan Amin Aref KHUNFUR @ Abu AHMED was in 1993 in Sudan from where he travelled to South Africa.

[Symbol @ as written.]

ACHMED would be responsible for receiving news from Palestine

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about HAMAS activities, and counter measures from the Israeli government. This information will be locally used to counter Jewish propaganda.

* According to Bilaal MOTSAU, HAMAS problem would become known to Muslims all over South Africa, with the help of ACHMED.

* This would enable Muslims in South Africa to understand the problem and come up with constructive ideas on how to solve them.

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* Those present were instructed to tell their followers that they should put everything into the struggle to protect Islam against the "total onslaught".

* ACHMED is in contact with Murshid DAVIDS (Vereeniging) and Sheikh YAHYAH (Berea).

AL-AQSA has embarked on a petition campaign amongst the Muslim Community of South Africa, which commenced on 1996-05-17 at most Mosques in the country. The purpose of this campaign is to request the United Nations via the South African Government from having the leader of HAMAS extradited from the USA. That if the United Nations fails to prevent the extradition then the South African Muslim Community will use other means to stop the extradition.

During June 1996 a delegation of HAMAS's political wing led by Dr. Rusdie DIAB OSMAN @ Abu Mohammed visited South Africa⁹ which is presently visiting South African Muslim businessmen, and requesting financial assistance from them.

⁹ Dr. Rusdie DIAB OSMAN is a Jordanian national (passport: 92/51261092). He is also the head of the AL-AQSA INTERNATIONAL FOUNDATION in Islamabad and the director of Population Science at the University of Islamabad, Pakistan.

Prof. OTHMAN has informed the Muslim community of Kwa Zulu/Natal that HAMAS is presently in need of financial and material assistance from the South African Muslim community and that the time is not yet right for South African Muslims to be used physically in the fight against the Jews.

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1996-07-11 : OTHMAN visited the Muslim community of Pietermaritzburg at the Muslim mosque in Nirvana, Pietersburg and asked Muslims not only for financial and material assistance but also to participate in the Holy War.

OTHMAN tasked JUSUF (teacher at the Pietersburg mosque) to identify individuals for military training and to send them to NATAL from where they will be sent to PAKISTAN.

* Iman IBRAHIM (black teacher in Seshego) volunteer for military training.

OTHMAN also visited Louis Trichardt, Venda and Tzaneen.

Sheik Yusuf ABDUL from the Westbank, Israel visited South Africa. ABDUL was the speaker at a HAMAS meeting at the Mayfair Jumma Masjid, c/o Hanover Street and 11 Ave, Mayfair on 1996-07-10.

ABDUL called on Muslims in South Africa to be part of the struggle against Zionism. He also asked Muslims to assist HAMAS financially in their struggle against Israel. Funds should be paid in at the offices of AL-AQSA INTERNATIONAL FOUNDATION, Fordsburg, Johannesburg.

Finally he called on Muslims in South Africa to put more pressure on Jewish missions in South Africa.

1997-02-01 : Wahdan Ahmed KHUNFHUR returned from Saudi Arabia to South Africa. During a feedback meeting on 1997-02-06 KHUNFHUR mentioned that funds for the AIF and other extremist organisations in South Africa will be channelled from INTERPAL in England to the "World Assembly of Muslim Youth (WAMY)" in Saudi Arabia to South Africa through front companies.

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- The AIF expect Mounir JARADA @a Abu Achmed EL-RAGHMAN (the head of HAMAS military operations in Sudan) after Ramhadaan (February 1997) to assist in military training in South Africa.

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1997-03 : Sheikh Yahyah Ibrahim ADAM (Sudanese) are involved in AIF activities.

1997-08-10/17 : The delegation to Israel and Palestine will consist out of the following individuals:

Aref Amin KHUNFHUR @a Abu AHMED

Ebrahim GABRIEL

Shafiq MORTON

Hamid ADAM

Ismael Abobaker KALLA

Shokat THOKAN

Ghora ARBEE

Solly DANGOR

Moosa DAYA

Abu Baber DAWJEE

Asim KHAN

Faried SAALe

Yusuf PATEL

Abid DAWRAY

* Asim KHAN of Al-Aqsa is assisting Abobaker DAWJEE of KwaZulu/Natal who is the coordinator for the visit.

* The HAMAS contact person in Jerusalem is Najah BAKIRAT @ Abu MALIK¹⁰.

¹⁰ Born in 1958. ID nr: 08043368; Passport nr: 20638471 (issued in September 3, 1995). Former leader of the "ISLAMIC HERITAGE".

* After the tour Ismail KALLA planned to visit the USA to met with members of Crescent International and other Muslim organizations i.c.w Anwar HADDAM (FIS).

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1997-08-21/25 : Amin Aref KHUNFUR, Salim FIQIRI and Mohammed Asim KHAN met

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with Qibla and IUC members during their visit in the Western Cape, these individuals include:

Hamid ADAM

Ebrahim GABRIEL

Nazeem MOHAMMED (met at the offices of the MJC)

Shaffiqq MORTON

Moulana MOHAMMED HUSSEIN

1997-08-29 : Salim FIQIRI¹¹ is currently staying at the safe-house of Al-Aqsa International Foundation (Adamson Centrum 202, Crownweg 54, Fordsburg).

11 Salim FIQIRI was involved in the first military activities in South Africa military training camp in Mpumalanga (1997-07-11/13), FIQIRI is a Palestinian citizen, stayed 8 years in Turkey, and studied at the University in Karachi and the University in Sudan.

According to information Salim FIQIRI plan to leave SA for 2 months (Istanbul, Turkey).

Mohamed Aasim KHAN¹² (South African citizen working at the office of AlAqsa) arranged for a telephone for FIQIRI.

12 ID 7305295 13208403; Address India Crescent 11, Mayfair.

1997-08-29 : Abid DAWRAY (Kimberley - Islamic Research Centre) contacted Amin Aref KHUNFUR @a Abu AHMED in connection with 2 HAMAS members who are on their way to the Al-Aqsa office in Johannesburg (train) from Cape Town. Route to SA:

Libya Mauritania

Ivory Coast

Namibia.

1997-09-03 : Mufti Nizamudeen SHAAMZI (head legal advisor of the Taliban in Afghanistan) gave a lecture¹³ at the Mayfair Mosque. Moulana Ebrahim BHAM (Jumaitul Ulama) acted as interpreter, BHAM also met with Amin Aref KHUNFUR @a Abu AHMED and Salim FIQIRI prior to the lecture.

13 SHAAMZI mainly concentrated on the legal aspects of the Shari'a, as the only legitimate law. Muslims

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cannot live in a society governed by Western laws.

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PARA-MILITARY TRAINING

1997-07-11/13 : Para-military training conducted on a farm in Mpumalanga (owned by Dr. Faried SALEY). The following individuals were involved:

Asim KHAN (AIF/HAMAS office in Fordsburg);

Imad Ahmed AL-AYOUBI

Wadah KHUNFUR @ Abu AHMED (Director-General)

Yusuf PATEL (Hospitaal Str 1, Baberton)

Salim FIQIRI (International Islamic Federation of Student Organizations IIFSO, Istanbul, Turkey).

AL-AQSA INTERNATIONAL FOUNDATION: KWAZULU/NATAL

1996-07 : Prof. OTHMAN has informed the Muslim community of Kwa Zulu/Natal that HAMAS is presently in need of financial and material assistance from the South African Muslim community and that the time is not yet right for South African Muslims to be used physically in the fight against the Jews.

1996-07-11 : OTHMAN tasked JUSUF (teacher at the Pietersburg mosque) to identify individuals for military training and to send them to NATAL from where they will be sent to PAKISTAN.

* Iman IBRAHIM (black teacher in Seshego) volunteer for military training.

1997-01 : The Al-Aqsa fundraising campaign is planned for KwaZulu/Natal during January 1997.

* A Palestinian delegation (members of HAMAS political wing) will arrive in South Africa via the Al-Aqsa head office in London to hold talks at Mosques in KwaZulu/Natal.

1997-01-06/22 : The AL-AQSA delegation will visit mosques in Durban, Stanger, Umzinto, Pietermaritzburg, Escort and Newcastle and consist of:

- Asim JETHAM (Al-Aqsa International Foundation, Fordsburg; Tel: (011) 836 2918)

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- Imad ALAYOUBI (Al-Aqsa International Foundation, Fordsburg; Tel: (011) 836 2918)
- Sheikh Raid SALAAH (from Umul Faham in Palestine) A B DAWJEE (031) 902 4523 & (031) 902 9174 was responsible for the arrangements.

1997-04-23 : Wahdan Abu Ahmed KHUNFUR¹⁴ (Director-general of AIF) left for KwaZulu to contact "Maktoor" (the latter will receive \$100 000 to smuggle to Palestine). The money will be deposited by

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Isam Yusuf MUSTAFA Q Abu Yusuf in London office of the PALESTINE RELIEF AND DEVELOPMENT FUND (INTERPAL). From where it will be send to Palestine.

14 Blue VW Jetta: PRN 925 T.

AL-AQSA INTERNATIONAL FOUNDATION : WESTERN CAPE

1996-12-18 : During an Al-Aqsa meeting in Fordsburg it was decided that Sheikh Ebrahim GABRIELS will be responsible for Al-Aqsa activities in the Western Cape. During the meeting GABRIELS said that a delegation should visit Palestine as soon as possible to engineer better communication.

* AIF communicate with GABRIELS per fax (021) 6968502 at the MUSLIM JUDICIAL COUNCIL (Cape Athlone).

1996-12-28 : Ganief HENDRIKS (Western Cape) contacted Wandwa Abu Ahmad KUNFHUR (Palestine) the director general of Al-Aqsa International Foundation in Fordsburg to send a Khari from Palestine to the Western Cape during the month of RAMADAAN.

1997-01-10 : The IUC fund-raising under Ganief HENDRIKS to help Muslims in Rustenburg was successful, but according to HENDRIKS Rustenburg do not need the money. HENDRIKS

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negotiate with the IUC to channel the funds to the AIF. It is a known fact that 10% of funds are channeled to "IZ AL-DIN AL QASSEM" (the military wing) who channel these funds to cells.

FUNDRAISING IN SOUTH AFRICA

AL-AQSA INTERNATIONAL FOUNDATION normally embarks on two (2) fundraising campaigns per year in South Africa. The fundraising campaigns are launched each year during the Islamic month of RAMADAAN,

The Al-Aqsa fundraising campaign is planned for KwaZulu/Natal during January 1997.

A Palestinian delegation (members of HAMAS political wing) will arrive in South Africa via the Al-Aqsa head office in London to hold talks at Mosques in KwaZulu/Natal.

HAMAS IN SOUTH AFRICA (STRATEGIC OVERVIEW)

According to information HAMAS members in South Africa does not recognise the MUSLIM YOUTH MOVEMENT (MYM) as the official organ representing the Muslim youth in South Africa. HAMAS is of the opinion that the MYM have lost their control of the youths representation. Based upon this situation HAMAS, with the help of the INTERNATIONAL ISLAMIC FEDERATION OF STUDENT ORGANIZATIONS (IIFSO) are busy to establish institutions for the Muslim youth in South Africa to take over the role of the MYM. These youth centres are implemented in Pretoria and Cape Town.

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HAMAS

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According to information Uman SHUBAIJHA attended the Islamic Conference in Laudium in April 1996 on behalf of HAMAS.

SHUBAIJHA reportedly stated that a HAMAS office would be opened in Pretoria once 5 000 members have been recruited.

After the conference, Sheikh Thaafer NAJAAR was appointed to coordinate the recruitment of Hamas members in South Africa. (NAJAAR is an executive member of the AFRICA MUSLIM PARTY and a member of the ISLAMIC COUNCIL OF SOUTH AFRICA - ICSA).

Active recruitment drives have allegedly already been launched at the

- * University of Durban-Westville (UDW)

- * University of the Witwatersrand (Wits), confirmed, headed by Yusuf MOOSA (member of the MUSLIM STUDENTS ASSOCIATION - MSA) and Naeem (member of the MSA and the MUSLIM YOUTH MOVEMENT).

At this stage, the recruitment is done secretly and is progressing very slowly. The students currently targeted for recruitment are mainly MSA or MYM members who support the ISLAMIC UNITY CONVENTION.

- * University of Cape Town (UCT)

- * Recruitment has also started in Lenasia and Laudium and is being conducted by Ismail PATEL (member of the Lenasia branch of the CALL OF ISLAM - COI) and Yusuf AHMED (attached to CRESCENT INTERNATIONAL).

Additional to the recruitment drive, two unidentified foreign members of Hamas reportedly reside in Gauteng and are awaiting a third member, Khalu NOUTAR (also believed to be a

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member of EZEDEEN AL-QASSAM - the military wing of Hamas) to arrive in South Africa. The eventual plan is to open an office, once the recruitment drive has proven to be successful.

Sheikh Abu ABDULA, a representative of HAMAS and alleged deputy general of HAMAS (residing in Dewsbury, London) visited South Africa to promote HAMAS as an organisation, recruit new members and to collect funds for both HAMAS and the ISLAMIC JIHAD.

ABDULA visited PE from 4-5 July 1996 and was hosted by Moulana Adam Bin ADAM (imam of Mansoor Mosque), Moulana Sali BABOO (attached to the Bloemendaal Mosque) and Ansar MIA (attached to the Malabar Mosque).

During a closed meeting with these individuals ABDULA stated that HAMAS has decided to open an office in PE under cover of the AL-AQSA INTERNATIONAL FOUNDATION (AIF). The HAMAS office will be opened next to the Mansoor Mosque.

Yunus AMOD (executive member of the MYM) and Mohamed LOMBARD (chairperson of the Malabar Mosque) will be involved in this initiative.

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Apart from the meeting with the mentioned Muslim leaders, ABDULA also paid a visit to the paramilitary camp at Greenbushes, where he mentioned that the facility was too basic and needed to be upgraded.

It is not clear if ABDULA's visit and the planned establishment of the HAMAS office is by any means connected to the initiative of Sheikh Thaafer NAJAAR (Executive member of the AFRICA MUSLIM PARTY, member of the Islamic Council of South Africa and Imam at the Muir. Steet Mosque in Cape Town) to establish a HAMAS office and recruit HAMAS members at universities.

Sheik Yusuf ABDUL from the Westbank, Israel visited South Africa. ABDUL was the speaker at a HAMAS meeting at the Mayfair Jumma Masjid, c/o Hanover Street and 11 Ave, Mayfair on 1996-07-10.

ABDUL called on Muslims in South Africa to be part of the struggle against Zionism. He also asked Muslims to assist HAMAS financially in their struggle against Israel. Funds should be paid in at the offices of AL-AQSA INTERNATIONAL

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FOUNDATION, Fordsburg, Johannesburg.

Finally he called on Muslims in South Africa to put more pressure on Jewish missions in South Africa.

ii) Mohammed Ali ZAKAY (from Egypt and visit SA regularly to recruit members for HAMAS in Libya and Iran. Contact tel nr. 092955321436), involved in para-military training ISLAMIC MILITARY JIHAD, Lenasia.

HAMAS : CAPE TOWN

1996-11 : HAMAS plan to open an office in Cape Town and use two base offices from where they operate:

- SILK PUBLISHERS, Langmarkstreet, Cape town.
- QILBA offices, Barkley Sentrum, Athlone.

Other Hamas members active in South Africa:

* Abdul ZAHAR (originally from London, received his training in Sudan) involved with IMPACT INTERNATIONAL.

* Haroon KALLA (from the MUSLIM INSTITUTE in Sudan, also associated with the GLOBAL ISLAMIC MOVEMENT).

HAMAS INVOLVEMENT IN PORT ELIZABETH

Individuals involved in HAMAS activities:

- * LUCKMAAN¹⁵ (originally from Port Elizabeth)

15 LUCKMAAN received his religious training at the Muslim training camp in Greenbushes, Port Elizabeth).

* Dr. Yusaf PEER (Chairperson of Border Islamic Society).

* Shahied MEERA¹⁶ (originally from KWZulu/Natal). The purpose of Asief KAHAAAR's visit was to inform Muslim leaders on the activities of Hamas;

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- The aims and objectives of HAMAS;
- Mosque activities;
- Political and informational activities; and
- HAMAS's network through institutions

16 MEERA received military training in Pakistan.

The following Muslim leaders from Port Elizabeth accompanied KAHAAAR on his visit to East London and Queenstown:

* Sulliman Umar DOUGLAS¹⁷ (he is a Palestinian and a member of IGWAAN NOEL MUSLIMEEN);

* bubaker Mohammed (originates from the former Ciskei);

* Yusuf BHANJEE (executive member of PADAV);

* Moulana ADAM (Imam at the Masjied Mansoor in Malabar, Port Elizabeth); and

* Moulana Nazier DESAI (Amir of South African Mujahideen).

17 DOUGLAS hosted KAHAAAR at no: 32 Saulstreet, Gelvanpark, Port Elizabeth during his stay in Port Elizabeth.

1997-08-27 : Information indicates the involvement of HAMAS¹⁸ in Port Elizabeth through Dr. HABBAS as the contact person.

18 HAMAS members will attempt to forge ties with the N'Mujahideer) members, which could improve their paramilitary capabilities.

Agmat Sharief NIDEL under the directive of Mogamed ZAHAR¹⁹.

South African National Intelligence Agency - Hamas (Islamic Resistance Movement) ... Page 30 of 30

19 Mogamed ZAHAR is identical to Mahmoud Khaled EL-ZAHER - Medical doctor and lecturer at the Islamic University in Gaza (this university is known as a strategic base of HAMAS), - HAMAS spokesperson in the Gaza Strip.

Information received during a Padav executive meeting on 1997-10-25 indicate that Sheikh CARLOO was asked for a progress report and stated that Agmat SHARIEF (member of

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Hamas present at the meeting) was in contact with Sheikh MISRALA²⁰ over the past view weeks and that they have pledged to support Padav in the fight for Muslim unity. He continued to say that there were talks that Hamas fighters could come hide away in South Africa when it becomes to 'hot' for them abroad and vice versa for South African Mujahideen. Through the involvement of LAGERDIEN @ CAT it was decided that Padav delegation would meet with senior Hamas members to formalize this agreement.

- During the same meeting it was mentioned that a top Hamas operative from Egypt.
- Agmat SHARIEF had also been in contact with a Hamas commander Sheikh Nabir BEHARI (who looked forward to meet with South African Muslims).

20 Could be identical to Abd El Rahin NASSERALLA Hamas member in Saudi Arabia and "silent" head of INTERPAL.

HAMAS INVOLVENT IN CAPE TOWN

HAMAS members (through AL-AQSA) have contact with members of the ISLAMIC UNITY CONVENTION and QIBLA.

According to Faisal BODI in London the following South Africans were trained in Sudan by Hamas and Hezbollah operatives, who are currently in Cape Town:

Taufique ALI

Riaz GAMEELDIEN

Shamsudien ARIEFDIEN

Moeaath GABIER.

EXHIBIT 12 to Declaration of Joel Israel

MI5 study 'charity cash link to Hamas' The Times March 6, 1996, Wednesday



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The Times

March 6, 1996, Wednesday

SECTION: Overseas news

LENGTH: 384 words

HEADLINE: MI5 study 'charity cash link to Hamas'

BYLINE: By Stewart Tendler and Christopher Walker

BODY:

MI5 OFFICERS are studying police intelligence on alleged links between Hamas militants and a Palestinian fund-raising organisation registered in London with the Charity Commissioners.

Police sources believe up to Pounds 1 million a year is being raised by the Palestinians Relief and Development Fund, also known as Interpal. Some of the cash is transferred from funds raised in other countries, passed through London banks and sent to Palestinian refugee camps.

Special Branch officers are concerned about the final destination of the cash. Money may go to Hamas schools and projects in the Palestinian refugee camps but there is concern that funds could be diverted to fund terrorist attacks against Israel.

The information collected by Special Branch officers also raises questions over alleged links between the charity, based in Cricklewood, north London, and a number of Palestinian refugees described as former Hamas militants living in London.

At the centre of the group is a refugee described by intelligence sources as an alleged former high-ranking member of the military wing of Hamas. He is now understood to be seeking political asylum in Britain.

The man has been in this country for four or five years and there are up to a dozen other former members of the military group in Britain.

Michael Heseltine, the Deputy Prime Minister, disclosed that Hamas activists are being monitored in Britain. Standing in for John Major, he told MPs: "We are carefully monitoring the situation of Hamas activists."

Yesterday a spokesman for Interpal said it had nothing to do with Hamas and was solely a charitable organisation.

Since Hamas was founded in the occupied Gaza Strip in 1987, the Islamic Resistance Movement has expanded into a well-financed welfare and guerrilla group. Its wings are notionally split in a way similar to Sinn Fein and the Provisional IRA.

According to a senior Israeli army officer who has studied the group, Hamas can count on about \$60 million (Pounds 40 million) a year in private donations. About 85 per cent of it is used to run schools, medical centres, hospitals, youth clubs and mosques.

"Without the support and activity of the civilian wing, the military wing could not exist," the officer said.

LOAD-DATE: March 7, 1996

EXHIBIT 13 to Declaration of Joel Israel



Copyright 1996 Times Newspapers Limited
The Times

March 9, 1996, Saturday

SECTION: Home news

LENGTH: 335 words

HEADLINE: Charity's funds are frozen over alleged Hamas link

BYLINE: Stewart Tandler, Crime Correspondent

BODY:

THE Charity Commissioners have frozen the bank accounts of a Palestinian fundraising organisation after allegations of possible links with Hamas militants.

Last night a spokesman for the commissioners said that bankers for the Palestinians Relief and Development Fund, also known as Interpal, have been told not to release any money. The spokesman said the action was not "accusatory". He said: "It is merely protective and temporary. An order is placed on the bankers not to release funds without our say-so."

The charity's officials would now have discussions with the commissioners about the charity and allegations. The spokesman said the decision to suspend the accounts was "a precautionary thing to protect the funds".

The charity, which has offices in Cricklewood, northwest London, denies that it has any links with Hamas and says that it is purely a charitable organisation. It was founded in 1994 and aims to provide aid in Britain and abroad.

On Wednesday The Times reported that MI5 was studying police intelligence alleging that up to Pounds 1 million a year was being raised by the charity. Some cash is transferred from funds raised in other countries, passed through London banks and sent to Palestinian refugee camps.

Special Branch officers are concerned about the final destination of the cash. Money may go to Hamas social and welfare projects in the camps but there is concern that cash could be diverted for terrorist attacks against Israel. There are also questions over possible links between the charity and a group of Palestinian refugees described as former Hamas activists.

At the centre of the group is a young Palestinian said to be seeking political asylum and described by intelligence sources as an alleged former high-ranking member of the military wing of Hamas. The man has been in this country for some years.

There are up to a dozen other members of the group living as students and also seeking refugee status.

LOAD-DATE: March 10, 1996

EXHIBIT 14 to Declaration of Joel Israel



190 of 197 DOCUMENTS

Copyright 1996 Guardian Newspapers Limited
The Guardian (London)

March 9, 1996

SECTION: THE GUARDIAN HOME PAGE; Pg. 5

LENGTH: 387 words

HEADLINE: PALESTINIAN CHARITY FUNDS FROZEN OVER 'HAMAS LINK'

BYLINE: Richard Norton-Taylor And Ian Black

BODY:

THE Charity Commissioners last night froze the assets of a London-based Palestinian fundraising organisation amid suspicions that money is being channelled to supporters of Hamas, the extremist group which has claimed responsibility for suicide bombs in Israel.

Bank accounts of the Palestinian Relief and Development Fund, known as Interpal, had been frozen "as a precautionary measure", a spokesman said last night. The commissioners expect to have talks with the organisation early next week.

The move follows pressure from the Foreign Office and the Israeli government which this week urged European Union countries to tighten up on Palestinian fundraising agencies.

Interpal, which is believed to raise about pounds 1 million annually, has been closely monitored by MI5 and Special Branch. However, Whitehall sources say the commissioners have not received any specific evidence of Interpal's fundraising for Hamas.

Last Thursday, Michael Howard, the Home Secretary, said there was no evidence of money raised in Britain being used for terrorism.

An Interpal spokesman said last night: "Interpal is purely charitable and humanitarian." Projects included health schemes, care for the elderly and handicapped, and meat shipments.

LOAD-DATE: March 9, 1996

EXHIBIT 15 to Declaration of Joel Israel

March 15, 1996

ROOTS OF TERROR: A special report.;Alms and Arms: Tactics in a Holy War

By JOHN KIFNER

JERUSALEM, March 14— Hamas, the main force behind the suicide bombers who have thrown the shaky Middle East peace talks into crisis, is an organization with deep roots, a popular base that feeds on misery and resentment, an international support network, and a clear goal: to turn the nascent Palestine into an Islamic state.

Mosques, hospitals and schools are its weapons as much as bombs, and Yasir Arafat, as much as Israel, is its target.

As world leaders united this week in a show of anti-terrorist resolve, even the experts who study groups like Hamas say the nature of the organization presents a daunting quandary: Do you attempt to co-opt the religious and civilian side, thus isolating the militants, as Mr. Arafat has sought to do? Or do you seek to crush Hamas whole, as Mr. Arafat's American and Israeli partners are now pressing him to do?

No one knows as well as Israel that either method can backfire.

In the 1970's and early in the Palestinian uprising, Israel allowed the surging Islamic movement to flourish and even covertly supported it, calculating that Muslim groups would undermine and draw support from Mr. Arafat's P.L.O., which was then the more immediate threat.

The tactic failed. Hamas, with its tight-knit cells and devotion to Islam, proved much harder to infiltrate and influence than Mr. Arafat's more secular and corrupt P.L.O.

But cracking down was hardly more successful. In 1992, in an attempt to decimate Hamas, Israel deported 415 of its activists to a snowy hillside in Lebanon.

Many of the deported militants enrolled in guerrilla training camps, and returned to Israel with their grievances and their skills honed to a fine edge.

Indeed, it was the assassination of Hamas's chief bomb-maker that brought the latest wave of suicide bombings, breaking a seven-month lull in terror attacks.

Hamas, the major Islamic militant organization, is linked to three of the four suicide bombings in the last two weeks that have left 62 people dead, including the bombers, and now looms as the gravest immediate threat to a Middle East peace.

Many who study the group fear proponents of peace -- Israel, Mr. Arafat, and the others who joined hands at the anti-terrorism conference Wednesday in Egypt -- are again in danger of outsmarting themselves by misjudging Hamas.

Although its organization and military operations are deliberately murky, interviews with a wide range of Palestinian, Israeli and Western experts present a portrait of Hamas that is more cohesive and intricate than is generally believed:

*Most of Hamas's estimated \$70 million annual budget goes to support a network of hundreds of mosques, schools, orphanages, clinics and hospitals that permeates virtually every village, town and refugee camp on the West Bank and Gaza Strip. But these social services provide both a cover and a recruiting ground for young terrorists. One of the important uses of charitable donations to Hamas is to provide lifetime annuities to the families of suicide bombers.

*Hamas receives financial and other support from an array of sources, including Iran, Palestinians living in America and Europe, and prominent figures in Saudi Arabia and other oil-rich Gulf states. Much of the money is channeled through neighboring Jordan where the fundamentalist Muslim Brotherhood is strong.

*Attempts to behead Hamas by arresting or killing its leaders have tended to spawn revenge attacks and produce more radical new leaders. Mohammed Mousa Abu Marzook, now in custody in New York, came to power after a roundup of other leaders, and virtually reinvented Hamas as the financial and military organization that carried out the post-Oslo attacks on Israel.

*Efforts to counter Hamas are hampered, too, by family loyalties and shared experiences of battling Israel, including prison time. One example: Mr. Arafat is under extremely heavy pressure from the Americans to arrest Mohammed Dief, the current Hamas military chief, who has been operating from Gaza. The policeman in charge of the search, Col. Mohammed Dahlan of Mr. Arafat's security service, is a childhood friend of Mr. Dief and fellow inmate of Israeli jails who has been seen sipping coffee with the wanted man during the recent wave of bombings.

*Currently, there appear to be tactical divisions within Hamas, with the leadership based abroad pressing for more attacks and some leaders in Gaza and the West Bank willing to accept a truce, at least for the short term, in order to protect the mosques and charity institutions that form their political base. But it is unclear if these differences can be exploited, because underlying the tactics is a common goal: the ouster of Mr. Arafat and the creation of an Islamic Palestinian state.

*Above all, Hamas thrives on misery and frustration. The harsh Israeli blockade of Palestinian areas, along with flaws in the hastily organized peace plan and disappointment with Mr. Arafat's rule, which has brought little improvement in the lives of Palestinians, will only strengthen it.

The Rivals A Challenger To the P.L.O.

"Hamas is much better organized than the P.L.O. ever was," said a Western official closely monitoring the situation. "Their leadership has outsmarted Arafat. Their goals are to destroy the Labor government, destroy the P.L.O., destroy the peace process."

"Hamas supporters cross both tribal patterns and family patterns among Palestinians," he added, outlining what he described as "an incredible crisis" for Mr. Arafat. "It's not unusual for the same family to have brothers in different organizations. Many of the P.L.O. people were fighting shoulder to shoulder during the intifada with people from the military wing of Hamas."

Nor is Hamas operating in a vacuum. It has strong support from Islamic movements in neighboring countries, including Jordan, which both Palestinian and Israeli intelligence officers say is the main conduit of smuggled money and directives, and financial backing from Iran.

Hassan Habibi, the vice president of Iran, met in Damascus during the week between the two Jerusalem bus bombings with Emad al-Alami, a 40-year old engineer from Gaza who is the main leader of Hamas, and Ramadan Abdullah Shalah, the leader of Islamic Holy War, the other main Islamic group mounting terror attacks in Israel, as well as leaders of the Lebanese Party of God, according to Western intelligence reports. The meeting, held in the Iranian Embassy, was to discuss future tactics.

Mr. Habibi was accompanied by Hussein Sheikholeslam, an Iranian Foreign Ministry official who was among the hostage-takers at the American Embassy in Teheran in 1979 and whose duties include spreading Islamic revolution, according to the intelligence reports. Money changed hands at the meeting, according to the reports.

"The Islamic resistance movement is in for a glorious future," Mr. Sheikholeslam told the Iranian news service, I.R.N.A., after the meeting. "There is no peaceful solution. The Israelis must return to the countries they came from."

Mr. Arafat had been attempting, with some apparent success, to co-opt Hamas's political leadership, appointing some of its preachers to key posts, among other things. In December, with Israeli approval, he met with Hamas leaders in Cairo to work out a reconciliation. The intransigence of Hamas leaders from abroad blocked a hoped-for written statement, but there was a verbal agreement that Hamas would not launch any attacks that would embarrass Mr. Arafat's Palestinian Authority, a promise broken after the killing, presumably by Israeli security, of Hamas's military leader in January.

But now, under severe pressure from Israel and the United States, -- including a visit from a high-ranking Central Intelligence Agency delegation -- Mr. Arafat has launched a public crackdown on the Hamas infrastructure, rounding up some 600 of the usual suspects among public Hamas figures, replacing fiery sheiks in some 40 Gaza mosques with his own more conciliatory preachers and sending his police, trailed by television cameras, kicking down the doors of what turned out to be a kindergarten.

A Hamas bomb-maker's monument in Gaza was bulldozed by masked men, and Palestinian police displayed captured weapons, bombs and documents they said described a Hamas plot to overthrow Mr. Arafat.

But Israeli officials are skeptical of how long the Hamas people will stay in jail, and Palestinian officials declared that Mr. Dief and other fugitives, if caught, would not be extradited.

"These people must be rooted out ruthlessly," a Western official said of Hamas. "We pleaded and begged and warned Arafat that the militants were going to do him in, but he chose to co-opt rather than confront. He hasn't been able to realize that these people have a totally different agenda, to destroy the peace process."

But it remains unclear to many experts whether an all-out attack on the civil and well as military activities of Hamas is realistic or even the best way to reduce future terrorism.

"Islamic Holy War is weak, and, if Arafat chooses, it could be eradicated within a few days," Brig. Gen. Yaacov Amidor of Israeli military intelligence told a parliamentary committee, "but Hamas is difficult to get rid of. You can trim its branches, but you can't pull out its roots."

The Origins Roots in Charity And Religious Zeal

The militant Islamic movement here, like many in the Arab world, traces its roots to the Muslim Brotherhood founded in Egypt during the 1920's by Hassan al-Bana. The brotherhood has strong followings in Egypt and Jordan today, and has spawned movements in other countries.

Typically, the Brotherhood's strategy is to fight what it sees as Westernization and corruption of Arab governments by running its own schools, hospitals and other services in order to spread its beliefs.

Sheik Ahmed Yassin and the other founders of Hamas were Muslim Brotherhood followers running welfare, social and educational services through their mosques when the Palestinian uprising broke out against Israeli occupation of the West Bank and Gaza Strip in 1987.

Stone-throwing youths flocked to the P.L.O. banner and the rival Islamic Holy War taunted the Brotherhood for inaction. Fearful of losing his following to the P.L.O., Sheik Yassin formed a new organization, naming it Hamas, an Arabic acronym for Islamic Resistance Movement, which means "zeal." Its military wing was called the Ezzadin al-Qassem brigade, after a Muslim preacher in Haifa who led an Arab revolt against both British rule and Zionist settlement in the 1930's, dying in battle.

Ironically, the Israeli authorities had quietly supported the Islamic movements, both during the 1970's and in the early days of the uprising, in hopes of undermining the nationalism of the Palestine Liberation Organization.

"There was a conscious decision to build up the Islamic groups as a counterweight to the P.L.O. and to increase divisions within Palestinian society," said a long-serving Western diplomat. "The Ministry of Defense gave the okay for all these Islamic institutions which became the financial and institutional infrastructure behind the Qassem brigades. These institutions were allowed to flourish and function and this has come back in a terrible way to haunt the Israelis."

Hamas swiftly became a problem, and in 1989 the Sheik Yassin was thrown into an Israeli jail where he has remained ever since. A further wave of arrests was meant to decimate the leadership but failed, and in December, 1992, Israel deported 415 Hamas activists, dumping them on a barren, snowy hillside in Lebanon.

The arrest of Sheik Yassin and other leaders brought to power a lower ranking activist, Mohammed Mousa Abu Marzook, who was to substantially change the organization.

Described by those who know him as an ambitious, charismatic figure, Mr. Marzook reorganized the structure of Hamas, Israeli and Palestine intelligence officials say, setting up outside fund-raising channels and concentrating virtually all political, financial and military power in his own hands.

Mr. Marzook operated for a time from the United States, living in Springfield, Va., where he was active in an Islamic organization called the United Association for Studies and Research. He then set up a major Hamas support office in Amman, Jordan until, under American pressure, the authorities expelled him in early 1995, after two suicide bombers killed 21 Israelis, most of them soldiers at a bus stop.

With the Oslo accords in the fall of 1993, the situation here had changed dramatically. While Mr. Arafat's followers prepared to take over Palestinian enclaves in the West Bank and Gaza Strip, Hamas and Islamic Holy War launched a wave of suicide car bombings, kidnappings and shootings that have killed some 213 Israelis since the peace was signed, far more than in the troubled years of the uprising.

After leaving Jordan, Mr. Marzook traveled between Damascus and Dubai in the United Arab Emirates, among other places. On July 28 of last year, he landed at Kennedy Airport in New York on a flight from London, and an immigration inspector spotted his name on a computer watch list of suspected terrorists. He has been held since at the Federal Metropolitan Correctional Center in Manhattan as Israel presses for his extradition.

His place as the leader of the "outside" Hamas leadership, although apparently not all of his power, has been taken by his former deputy, Mr. Alami. He is said to operate primarily from Damascus, although he also travels to Teheran.

The Money Complex Network Fills the War Chest

However, according to Israeli intelligence officials, the financial networks organized by Mr. Marzook that channel funds from abroad to Hamas are still intact. The Israelis estimate that roughly 95 per cent of the estimated \$70-million a year goes into such charities as hospitals, clinics and schools, with only a small portion siphoned off to pay for weapons and military operations.

One charitable activity, however, is vital to the military operations: the support payments granted to the families of suicide bombers and others killed in clashes with Israel. These stipends are believed to play an important role in recruiting. Last week, Israel put the director of an Israeli Arab charity under house arrest, charging he had channeled millions of shekels to the families of Hamas guerrillas.

"This is the most critical part," an Israeli Army officer said. "They have to make sure these families are taken care of."

Israeli officials say that among the key Hamas fund-raising operations are the Holy Land Foundation of Richardson, Texas and the London-based Palestine and Lebanon Relief Fund, known, for its telex address, as Interpal. Other money, they say, comes from Saudi Arabia and the Gulf, both from Moslem charities and wealthy individuals.

Much of the money, both Palestinian and Israeli intelligence officers say, is funneled through Jordan, where Hamas maintains an operation headed by Ibrahim Ghosheh, a Jordanian citizen, and a fund called the Islamic Aid Committee. In Amman, Hamas operates in conjunction with the Muslim Brotherhood, which has become a political force with a sizable representation in Parliament and municipal offices. Funds are smuggled across the three bridges over the Jordan River or transferred between banks or money changers.

Iran, operating primarily through its embassy in Iran, where it deals with the Lebanese Party of God and Palestinian factions opposed to the peace agreements, has also given money to Hamas, the intelligence officers say, although adding that Hamas in the past has been wary of political direction from Teheran.

In Gaza and the West Bank, Hamas operates on several levels.

One involves what are known as Dawa activities -- from the Arabic word for the call to prayer. These include the issuance of pamphlets and staging of ceremonies to spread Islamic doctrine.

The major effort, employing hundreds of people, is the social and welfare network. These include the Medical and Scientific Association, which runs hospitals and clinics where only a nominal fee is charged, and the Sciences and Culture Association, which runs Islamic schools. There is a Y.M.C.A.-like Young Islamic Association where boys can play soccer and learn martial arts, and an Islamic Cultural Center for Women, some of whose members have lately been complaining that girls do not get a chance to be suicide bombers.

An organization of some 164 clerics, outlawed by Israel, called the Council of Religious Sages, coordinates sermons so that similar political messages come from the mosques. Tape cassettes circulating of recent sermons bear such titles as: "P.L.O. high treason: Oslo and beyond."

All of this has been open and public. The military operations of the Qassem brigades are by nature clandestine. They are believed to be coordinated by what is known as the "Inside Committee" headed by Mr. Alami. Some directives, by telephone or fax, are passed through private telephone switching businesses in Cyprus.

But there had been no bombings or other attacks here since last Aug. 21, when a bus in Jerusalem was blown up, killing six people and wounding more than 100. That was only a month after Mr. Abu Marzook, who tightly controlled operations, was taken into custody at Kennedy Airport, suggesting this disrupted the leadership. At the same time, Mr. Arafat was seeking to draw leaders in Gaza to him, persuading one key figure, Emad Falaji, to cross over.

"Arafat was gradually, successfully neutralizing the Hamas leadership," said Khalil Shikaki, a respected Palestinian polling expert who is also the brother of the slain leader of Islamic Holy War. "There was internal dissent, turmoil among them. The total lack of response to their call for a boycott of elections was a blow to their prestige and credibility. Some, as long as their infrastructure was safe, might be willing to trade off the military."

The Reprisals A Shadow War Erupts Into Open

The pause in bombings was to end in the wake of two dramatic assassinations of Islamic terrorist leaders. Smiling Israeli officials pointedly did not deny responsibility. The first to be killed was Fathi Shikaki Islamic Holy War leader, in Malta on Oct. 26. As he sauntered out of the luxury hotel where he was registered under a false name as a Libyan businessman, a gunman calmly pumped several shots from a silenced 9-millimeter pistol into his head, then sped away on the back of a waiting motorcycle.

The second was yet more spectacular. Yahya Ayyash, the chief Hamas bomb-maker known as the Engineer, was in his hiding place in Gaza on the morning of Jan 5. He took a call from his father on a cell phone, which suddenly exploded. This killing was widely attributed to Israel's internal security service, Shin Bet, which had been smarting over its failure to protect Prime Minister Yitzhak Rabin from an assassin last fall; the day after Mr. Ayyash's death, the director of the secret agency submitted his long-expected resignation, after having partially recouping his agency's prestige.

At the time, there was widespread expectation on both sides that the killings would prompt revenge attacks. "Of course there will be revenge against Israel," said Mahmoud al-Zahar, the Hamas political leader in Gaza. "The principles of the Hamas movement command us not to lose Palestinian blood without revenge."

The bombings to avenge Mr. Ayyash, Palestinian and Israeli intelligence operatives believe, were organized by Hassan Salami, known as Abu Ahmed, who had left Gaza to escape arrest during the uprising. He received training in Sudan, which under the leadership of Hassan al-Turabi has become a gathering place for Islamic revolutionaries, including veterans of the Afghan guerrilla movement eager to continue their struggle. He is believed to have infiltrated into Gaza -- where most of the bombings have been planned -- through Syria.

"He is a very dangerous guy," an Israeli officer said. "Young, but dangerous."

Mr. Salami recruited Mohammed Abu Warda -- who was captured by the Palestinian police, sentenced to life imprisonment within 24 hours and confessed on Israeli television -- in the West Bank town of Ramallah. He, in turn, found three young suicide bombers. They were equipped simply, with old Egyptian-issue land mines dug up from the Sinai desert, carried in a duffle bag, wired to nine-volt batteries. They passed unnoticed in Israeli army uniforms, with one wearing an earring for extra authenticity.

The last bombing on Tel Aviv's Dizengoff Street was carried out by Islamic Holy War, with the bomber being smuggled out of Gaza in an Israeli Arab's truck past a lax military checkpoint. An Islamic Holy War statement issued in Beirut said it would be "one of a series" to avenge Mr. Shikaki.

The funeral of Mr. Ayyash demonstrated Mr. Arafat's political problems. Over 100,000 people swarmed through Gaza's fetid streets, carrying Mr. Ayyash's coffin, screaming "Death to Israel. We are all Yahya Ayyash, we are all Ezzadin Qassem" and scattering baseball card-like pictures of the Hamas military leader. He was a folk hero and legends were told of his exploits and escapes, sometimes disguised as a woman, an old man, or an Orthodox Jew. When he emerged unscathed from the accidental demolition of one of his own bomb factories, he was said to have been guarded by angels.

Mr. Arafat visited the bereaved family, declared Mr. Ayyash a "holy martyr," ordered a 21-gun salute and sent ranking members of his Palestinian authority to the funeral. Reporters spotted at least 10 wanted terrorists in the crowd, including Mr. Dief.

In effect, said a European diplomat well-versed in the area, Mr. Arafat has begun to reproduce in Gaza the atmosphere of his days in Beirut, with an administration marked by inefficiency, corruption and cronyism, trying to keep all power to himself while juggling various warlords, including half a dozen paramilitary police agencies, the armed Islamic militants

and criminal bands that control their own turf for narcotics and car theft operations.

"This is a fight for the very nature of Palestinian society," said Emmanuel Sivan, an Israel expert on Islamic militancy. It is posed for Hamas, he said, in rhyming Arabic contrasts -- usuliyya, meaning a righteous Islam, and wusuliyya, connoting the decadent life of the nouveau rich. And they add the new term jahaliyya, meaning a pre-Islamic state of barbarism and ignorance. The word is used by the Muslim Brotherhood in Egypt to sanction revolt against Arab rulers they regarded as Westernized and corrupt.

While other Palestinians frolicked on the Gaza Strip's sandy beaches after the Israeli withdrawal, Hamas supporters were appalled at the mixed bathing. When not fighting Israel, they may busy themselves cutting the wires to television satellite dishes.

"Arafat was trying to co-opt Hamas with classic divide-and-rule tactics and he was having success. He made a truce with them," he said. "But now they have betrayed him. His dilemma is that he has no other option but to move against them. But should they retaliate against the Palestinian Authority there could be armed struggle in the streets."

Mr. Shikaki, the polling expert whose research had shown a sharp decline in support for violence among Palestinians over the last year, offered a similarly gloomy assessment of the immediate future.

If Mr. Arafat "goes against the mosques, he would be making enemies of a large part of the Palestinian population. Gaza and the West Bank could be turned into another Algeria. People will be asking 'What kind of an Authority do we have, what kind of peace?' "

Photos: Children studying verses from the Koran at an Islamic school founded and paid for by Hamas in the Gaza Strip. Young and needy Muslims are the beneficiaries of the tightly woven organization, but Israelis have been its victims. (Rina Castelnuevo for the New York Times)(pg. A9); Hamas, the militant Islamic group, has emerged as the strongest opponent of peace accords between Israel and the P.L.O. Hamas supporters are shown rallying under a wall bearing anti-Israeli graffiti. (Rina Castelnuevo for The New York Times)(pg. A1) Chart/Photos: "BEHIND THE SCENES -- Hamas: A Family Tree" Terrorist organizations do not publish organizational charts, and Hamas is particularly secretive about its leadership. The following guide to its history and leaders is compiled from Israeli, Western and Palestinian sources. **EARLY INSPIRATIONS** Hassan al-Bana Founder of the Moslem Brotherhood in the 1920's in Egypt, an anti-Western, anti-corruption movement that spread its beliefs through schools and social services and still has followers in Egypt, Jordan and elsewhere. Sheikh Ezzadin al-Qassem An early hero, a Moslem preacher in Haifa who led revolts against British rule and Zionist settlers in the 1930's, dying in battle. Military wing of modern Hamas took his name. **HAMAS** Sheikh Ahmed Yassin Crippled in childhood, he was a Muslim Brotherhood leader in GAZA?? running welfare and educational services in 1987 when the Palestinian uprising against Israeli occupation began. He formed Hamas, Arabic acronym for Islamic resistance movement, with civic programs and a military wing. Arrested in 1989 and remains jailed in Israel. **Mohammed Mousa Abu Marzook** After arrest of Yassin and others this American-educated engineer, a native of Gaza, took over Hamas, centralizing control and nurturing foreign funding. Operating from United States, Jordan, Damascus and elsewhere he led resumption of suicide bombings in protest of 1993 Oslo accords. Arrested in New York in 1995, remains jailed pending Israel's request for extradition. **Emad al-Alami** Engineer from Gaza, took over as overall leader after arrest of Marzook, but is believed to have less control over all elements of Hamas. Based mainly in Damascus. **MILITARY** Yehiya Ayyash Known as "the engineer," led military wing and was chief bomb designer. Killed on Jan. 5 in Gaza by telephone bomb, presumably set by Israelis. **Mohammed Dief** Succeeded Ayyash as military head, operates out of Gaza and is now the most wanted. **CIVILIAN** Mahmoud el-Zahar Political leader of Hamas in Gaza, operated openly, now under arrest by Palestinians in current crackdown. **ISLAMIC HOLY WAR** Fahti Shkaki Was leader of Islamic Jihad, a much smaller group devoted solely to military struggle. Killed, presumably by Israeli agents, in Malta last October. **Ramadan Abdullah Shalah** New leader of Islamic Jihad, which claims credit for recent Tel Aviv bombing. Now based in Syria, he has lived and studied in United States, Great Britain and Egypt. **Map/Diagram: "Home-Grown Roots and Foreign Support"** Hamas is a mass movement with solid support among perhaps 15 percent to 20 percent of the two million Palestinians in Gaza and the West Bank. Leadership is divided between those inside the territories and those operating outside, mainly from Damascus. The organization depends heavily on outside funds, with half of its estimated \$70 million annual budget coming from the oil-rich Gulf states and another 35 percent from Europe, mainly England, and the United States, according to Israeli estimates. Most of this goes to Hamas charitable, religious and civic groups, but some is used to support the families of suicide bombers and a small fraction is used for arms. Iran Government gives money to Hamas and other fundamentalist groups, and provides offices in Teheran for Hamas officials. Jordan Major trans-shipment point for funds to Hamas from Gulf states, Europe and United States, with money transfered via Jordanian banks, or carried across border. Hamas political leaders operate openly. Syria A major base for Hamas and other fundamentalist groups. Sudan A military training

ground for Hamas and other fundamentalist groups. Saudi Arabia Private charities here and in neighboring Gulf states provide substantial funds.

EXHIBIT 16 to Declaration of Joel Israel

Contact name: GERALD MATTHEWS

ITS: 4627X2602

Response required by:

URGENT

Appraisal Form - New

To be used where all facilities fall outside Credit Scoring Criteria

Account PALESTINIAN RELIEF & DEVELOPMENT FUND

Main A/C Number 95142940

Domicile Branch FINSBURY PARK

Controlling Office ISLINGTON BUSINESS CENTRE

Relationship Manager: Sequence No 42

Sort Code 600822

Main Business Activity CHARITY FOR RELIEF OF PALESTINIANS IN GAZA & WEST BANK, ISRAEL

SIC 8530P

Date 11/03/98

Section 1

Facilities	Present Position	Existing Limit/Max and Term	Limits/Max and Term Sought/Agreed (UDP)
C/A			
DOC. CR.			
CHILDREN A/C			
INT. MONEY			
ZAKAT FUND			
ADMIN.			
FAMILIES			
Totals			

Accounts dated	Audited/Management/Draft
Surplus Resources	
Gearing Ratio	
Turnover	
NPBT/(Loss) after Drawings	
Retained Cash Flow	
Total DP Security	
Written down security value	
Additional Security to come	

Other Credit Balances/Deposits (within Group)	Other Liabilities
	nil

Suretyship Liabilities	Nominal £	Reliance £
Mandate number & date	NWB1017	23/11/94
M & AA Dated (Ltd Co. only)		

2 Key Issues

Issues	Matters outstanding from/arising since last review
	Synopsis of discussion with customer

- Request for Documentary Letter of Credit FOR [REDACTED] subject to charge over equivalent US Dollars balance to purchase tinned meat from New Zealand for shipping to Israel to Palestinian refugees.
- MLMA: Top income earner in portfolio.
- Significant credit balances maintained in Sterling and US Dollars on current account. Turnover for [REDACTED] of which [REDACTED] received in US Dollars mainly from Saudia Arabia, but also some from USA.

3 Non-Financial Developments

Non-Financial Information Form up to date?

☒ Yes

☐ No

If No, enclose new NFIF

Issues	Changes to trading activities/marketplace/management etc.
--------	---

This is a Muslim charitable trust where interest cannot be earned on balances for religious reasons. In account at Finsbury Park since the mid-1980's but the original trust was closed last year, the present one set up in 1994. Provides charitable relief to Palestinian areas of Israel i.e. Gaza, and the West Bank. Recently some relief to refugee camps in Lebanon. Relief is usually food or allowances for children's education. Distribution is monitored by local charities and representatives.

Two major times of the year for receipts are Ramadam (in January this year and at Easter time. These bring in half the annual income.

In 1996 the Charity was investigated by the Charities Commission on an allocation of funds used for terrorism, [REDACTED]

✓

Appraisal Form - New (continued)

4 Account Operation

- 4a Excesses seen ☐ Yes ☒ No Escalating trend ☐ Yes ☒ No
 Hardcore present ☐ Yes ☒ No If yes, level £
 4b Items returned in last 12 months? ☐ Yes ☒ No If yes, date of last item returned unpaid
 4c No. of items returned in last 12 months N/A

Issues: Does hardcore / account trend indicate losses / fixed assets being purchased from overdraft? - consider transfer to loan

- First class account operation with significant balances up to [REDACTED]
- Behavioural score 1.
- No pressure on the balances.

5 Trading Performance

5a Financials

- Have any up to date figures been provided? ☒ Yes ☐ No
 Are these realistically based on your knowledge of the business? ☒ Yes ☐ No
 Do you hold any figures for the two preceding accounting periods? ☒ Yes ☐ No

If yes, compare the two sets of figures, considering any significant change in the following:

- Source of current information: dated 31/12/96 ☒ Annual Accounts ☐ VAT Returns
☐ Management Figures
 Source of previous information: dated ☐ Annual Accounts ☐ VAT Returns
☐ Management Figures

Turnover	<input checked="" type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input type="checkbox"/> No change	<input type="checkbox"/> Not available
Gross Profit	<input checked="" type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input type="checkbox"/> No change	<input type="checkbox"/> Not available
Net Profit after drawings	<input checked="" type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input type="checkbox"/> No change	<input type="checkbox"/> Not available
Surplus Resources (deficit)	<input checked="" type="checkbox"/> Improved	<input type="checkbox"/> Worsened	<input type="checkbox"/> No change	<input type="checkbox"/> Not available
Liquidity	<input checked="" type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input type="checkbox"/> No change	<input type="checkbox"/> Not available
Debtor Days	<input type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input checked="" type="checkbox"/> No change	<input type="checkbox"/> Not available
Creditor Days	<input type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input checked="" type="checkbox"/> No change	<input type="checkbox"/> Not available
Stock Days	<input type="checkbox"/> Increased	<input type="checkbox"/> Decreased	<input checked="" type="checkbox"/> No change	<input type="checkbox"/> Not available

If any of the above information is 'not available', is it reasonable that earlier figures have not been provided to the Bank?

- ☐ Yes ☐ No

What other information is available?

- ☐ None - New Business ☐ VAT Return Figures only ☐ Other (please specify)

5

Appraisal Form - New (continued)

5b Current Figures

Debtors	- well spread?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
	- considered collectable?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Creditors	- well spread?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
	- paid up to date?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
	Stock readily saleable?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
	Are profits being retained after drawings?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Are profit margins steady or increasing?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Sales in excess of break-even with a margin?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Cash generated from operating activities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Interest cover greater than 2.5 times?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Issues: Consider Working Capital, Liquidity, Sales, Profit Margins, Break Even, Cash Generation, Gearing, Interest Cover, accuracy of previous information

- Very cash solvent charity. Overheads well covered and whilst 1996 receipts were 5% up on 1995, 1997 income was up by 50% on 1996, due to doubling of US Dollar receipts.

6 Proposition

Issues: Details of proposition including customer's contribution. Consider type and term of product against business and proposition. Consider Net Working Asset position in relation to future funding

- Request Irrevocable Documentary Letter of Credit for [REDACTED] TO EXPIRE 31 May 1998. (The facility maybe made up to two separate Letters of Credit). Funds will be transferred into a separate US Dollar currency current account in the name of the Bank and a charge obtained over this.
- Funds will continue to be received to provide cashflow particularly over Qurbani (at Easter). Clause D (VIII) of the trust deed provides power to borrow money and we understand from Legal Services that this is in order.

Issues: Consider environmental/policy implications, settlement risk (Action Directory, Settlement Risk)

5

Appraisal Form - New (continued)

7 Repayment and Projections

Do any of the facilities applied for replace existing commitments? ☐ Yes ☒ No

If yes, how do the new repayments compare? ☐ More ☐ Same ☐ Less

Has customer repaid previous liabilities successfully? ☐ Yes ☐ No ☒ N/A

Is a Capital Repayment Holiday required? ☐ Yes ☒ No

If yes, for how long? N/A Months

Issues: Comment on viability of repayment to include source and timing. If projections held consider against past performance, assumptions, seasonality, impact of changes in sales/costs etc. on future borrowing/profits.

Letter of Credit: Drawings will be paid by us releasing the funds over which a charge will be held. It is anticipated that there will only be one drawing. If there are two letters of credit then separate accounts will probably be opened for each.

8 Security

8a Security surplus £ nil Acceptable? ☒ Yes ☐ No ☐ N/A

Security formula being met? ☒ Yes ☐ No ☐ N/A

What is The Security Formula?

8b Make-up of total security figure (use written down values in accordance with AS 982, 984, 994, 1045)

Land & buildings £ ☐ Mortgage Debenture £ ☐ Life policy £

Stocks & Shares £ ☐ Unsupported Guarantee £ ☐ Supported Guarantee £

☒ Other [REDACTED] charge ☒ over credit balance

8c Are S/R Specifications/ISS Notes Up-To-Date?

If No, give details

Issues: Overview of security cover. Detail of new security offered, or steps to address an unsatisfactory position. Consider retention of Title on Stock, environmental implications (AS293), third party security implications (AS113).

- To come Charge over credit balance for [REDACTED]

5

Appraisal Form - New (continued)

9 Pricing

Current Pricing:
Matrix Core Price
Agreed Pricing:

Matrix Market Risk Price

Total Price:

Arrangement Fees:	Lending - Scale	£925.93	Agreed	£NIL
	Security - Scale	£ 34.00	Agreed	£NIL

Issues: Adequacy of interest margin/fees in relation to risk/management time

Letter of Credit fee is 0.5% i.e. sterling equivalent of £925.93. However customer has repeatedly made the point that we do not pay them interest (their choice) although they receive free banking as a result overall there is an activity surplus.

At last transmission review 12 months ago WE038 pricing showed a surplus of [REDACTED] with credit balances. Since then credit balances have increased (current WE038 are awaited) but MLM value is [REDACTED]. Therefore I am agreeable to refunding the fee.

10 Risk Assessment (Existing GAPP grade 3)

(Previous BSRG grade 1)

Overall Attitude towards customer - ☐ Pro-active x Supportive ☐ Cautious ☐ Manage Out

Summarise strengths/weaknesses in terms of:

The business (management, products, markets, financial strength, track record)
The proposition (amount, purpose, repayment, projections, remuneration, security)

Positive Features:

- Cash positive charity with significant value to the Bank.
- Good balances held.
- 1996 accounts received. Continued growth in 1997.

Negative Features:

- The Charity services a very volatile area.

11 Recommendation and Way Forward (include action plan for U/R and unsatisfactory accounts)

x Recommended ☐ Agreed ☐ Declined ☐ Overview Required

Reason for Overview

Issues: Recommended way forward (and any alternative courses of action considered) to include explanation of attitude towards customer. Explain why you have agreed the borrowing request.

- Recommend that the Documentary Letter of Credit facility is made available subject to a charge over credit balance for full cash cover.
- The account earns higher than average income on the credit balances.

f

Appraisal Form - New (continued)

12 Monitoring/Terms and Conditions

Issues: Are lending formulae being met/appropriate?

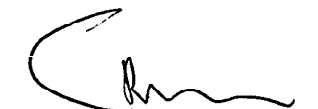
Not applicable.

13 Sales - Bank Services

Action Points

- | | | | |
|---|--|---|-------------------|
| 1 | Update ISS - EIN/UFA/EMN | 4 | Take Fees |
| 2 | Prepare Advice of Borrowing Terms letter/CCA forms | 5 | Raise diary notes |
| 3 | Mark Limits - ELR/ERR/SPR | | |

Signed



Name

GERALD MATTHEWS

Position

BUSINESS
MANAGER

14 For Regional/Overview Comments/Counter signature Only:

Signed

Name

Position

EXHIBIT 17 to Declaration of Joel Israel

In The Matter Of:
TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.

GERALD ROGER MATTHEWS
Vol. 1
October 5, 2010

European Deposition Services
59 Chesson Road
London W149QS
England
United Kingdom

<div>Page 1</div> <div>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</div> <div><div></div><div>TZVI WEISS, et al, Plaintiffs, v. NATIONAL WESTMINSTER BANK, PLC., Defendant.</div><div>))</div></div>

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1 your portfolio?

2 MR. BLACKMAN: Objection to form.

3 THE WITNESS: Yes, it was.

4 BY MR. GOELMAN:

5 Q. Do you know if that was the single greatest

6 turnover in any of the accounts in your portfolio in 1997?

7 A. I don't know now.

8 Q. It says:

9 [REDACTED] received in U.S. dollars mainly from

10 Saudi Arabia, but also some from U.S.A."

11 Where would the information in terms of the source

12 of Interpal's money have come from?

13 A. I can't recall that now.

14 Q. You can't recall if you learned that from Interpal

15 or --

16 A. Or from the bank's own records as to where the

17 money was remitted in from.

18 Q. But it is fair to say that as of March of 1998 you

19 knew that a sizeable portion of Interpal's funds came from

20 Saudi Arabia?

21 MR. BLACKMAN: Objection to form.

22 THE WITNESS: I can't recall that.

23 BY MR. GOELMAN:

24 Q. Is it fair to say that from looking at the

25 document?

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1 MR. BLACKMAN: Objection to form, calls for

2 speculation.

3 THE WITNESS: I'm sorry, I can't say that.

4 BY MR. GOELMAN:

5 Q. You wrote that this is a Muslim Charitable Trust.

6 Can you see the issues under 3?

7 A. Yes.

8 Q. Muslim Charitable Trust where interest cannot be

9 earned on balances for religious reasons. Do you see that?

10 A. Yes.

11 Q. Was it your understanding when you filled out this

12 form that Interpal, even if it was entitled to interest from

13 the bank, had chosen not to accept interest payments?

14 A. That's correct.

15 Q. And the reason for that was its interpretation of

16 Islamic law?

17 A. Yes.

18 Q. Did you have any other customers that declined to

19 accept interest that they otherwise would be entitled to?

20 A. I can't recall if that was the case when I worked

21 at Islington but in a previous post I can recall an account

22 where that happened.

23 Q. Was that an account of an individual?

24 A. No, it was a business.

25 Q. A business that could not accept interest because

Page 43

1 of --

2 A. Because of their adherence to the Muslim law.

3 Q. You write:

4 "In account at Finsbury Park since the mid-1980's

5 but the original trust was closed last year, the present one

6 set up in 1994."

7 Do you know why the principal of Interpal had

8 decided to close the previous trust and open up a new one?

9 A. No, I don't.

10 Q. Were you the business manager for the previous

11 trust?

12 A. I can't recall.

13 Q. The last paragraph on this first page says:

14 "In 1996 the Charity was investigated by the

15 Charities Commission on an allocation of funds used for

16 terrorism, [REDACTED]

17 [REDACTED]

18 When did you find out about the 1996 investigation

19 by the Charities Commission?

20 A. We became aware of it because they contacted us

21 and the accounts were frozen.

22 Q. The Charities Commission contacted you?

23 A. I can't remember if it was via a head office

24 department or direct but then we had a direct dealing with

25 them because of -- I can't remember all the detail, I'm

Page 44

1 afraid, but I know the accounts were frozen for a period of

2 time.

3 Q. In 1996?

4 A. I don't know if it's 1996 but at some stage whilst

5 I was responsible for the account.

6 Q. Do you recall whether you personally talked to

7 someone from the Charities Commission during that period of

8 time?

9 A. Yes.

10 Q. On how many occasions did you do that?

11 A. I can't recall that.

12 Q. What do you recall about that? Was that

13 a telephone conversation?

14 A. Yes.

15 Q. How many phone conversations did you have with the

16 Charities Commission about their investigation of the

17 account?

18 A. I honestly can't recall.

19 Q. Do you recall what you learned during that phone

20 conversation?

21 A. I'm sorry, I don't.

22 Q. You were the business manager for Interpal at the

23 time of that investigation?

24 A. Yes.

25 [REDACTED]

1

[REDACTED]

1

[REDACTED]

1

[REDACTED]

15 Q. Did you take any notes of that phone call?

16 A. I don't recall that.

17 Q. Do you know if you documented that phone call in
18 any way back when you had it?

19 A. Sorry, I can't recall.

20 Q. When the person from the Charities Commission said
21 that the allegation against Interpal was from a Jewish
22 source, was it your understanding that in their opinion that
23 made the allegation somehow less credible?

[REDACTED]

1 BY MR. GOELMAN:

2 Q. Did you discuss that phone call with anyone else
3 at the bank after you had it?

4 A. I can't recall doing so.

5 Q. Do you recall during -- let me withdraw that.
6 In the course of your 31 years with NatWest, how
7 many times was a customer of NatWest's account frozen
8 because of allegations of terrorism?

9 A. I can't recall that either.

10 Q. Sorry?

11 A. Terrorism?

12 Q. Yes.

13 A. I can't recall any other.

14 Q. Did you have any discussions internally at the
15 bank at the time that Interpal's accounts were frozen by the
16 Charities Commission because of allegations of terrorism?

17 A. Could you restate the question?

18 Q. Yes. At the time that the Charities Commission
19 investigation of these allegations of terrorism were
20 ongoing -- was ongoing, did you have any conversations with
21 anyone else at the bank about that fact?

22 A. I can't recall the specifics of which department
23 we had to refer it to but there would have been someone
24 somewhere probably. So I don't know. I just can't recall
25 that.

EXHIBIT 18 to Declaration of Joel Israel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	
TZVI WEISS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	CV 05-4622 (DLI) (MDG)
- against -	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
-----	X	
NATAN APPLEBAUM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	CV 07-916 (DLI) (MDG)
- against -	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
-----	X	

**SUPPLEMENTAL RESPONSES AND OBJECTIONS BY DEFENDANT NATIONAL
WESTMINSTER BANK PLC TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES (CONTENTION INTERROGATORIES)**

Defendant National Westminster Bank Plc ("NatWest") makes these supplemental responses to Plaintiffs' Second Set of Interrogatories Directed to Defendant National Westminster Bank Plc dated April 29, 2011 (the "Contention Interrogatories") as follows:

RESERVATION OF RIGHTS

These responses are made subject to, and without waiver of, the reservation of rights and objections set forth in NatWest's Responses And Objections To Plaintiffs' Second Set of Interrogatories, dated July 5, 2011.

**CONTAINS HIGHLY CONFIDENTIAL
INFORMATION – NOT TO BE USED,
COPIED OR DISCLOSED EXCEPT AS
AUTHORIZED BY COURT ORDER**

SPECIFIC RESPONSES AND OBJECTIONS

Contention Interrogatory No. 3:

Do You contend that at any time during the Relevant Period NatWest policy permitted You to process Funds Transfers on behalf of or for the benefit of an FTO provided that (1) the Funds Transfer were not cleared through the U.S.; and (2) You did not detect evidence that such Funds Transfer was to be used in the commission of a Terrorist Act? If Your answer is affirmative, identify: the factual and legal basis for Your contention, including all documents, Testimony and Witnesses supporting your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 3:

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

The policies NatWest described in its July 5, 2011 response were the same for U.S. Dollar denominated funds except to the extent that a designation issued pursuant to the OFAC regulations applied to a transaction, in which event NatWest's policies provided that the requirements of those regulations were to be observed. No such instances arose in connection with the Interpal accounts.

Contention Interrogatory No. 6:

Do you contend that, as of January 1, 2001, You did not know that Hamas had been designated an FTO by the United States? If Your answer is affirmative, identify: the factual and legal basis for Your contention, including all facts, documents, Witnesses, and Testimony supporting Your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 6:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent it seeks information concerning the knowledge of NatWest employees other than those persons with relevant knowledge pertaining to Interpal's customer

relationship with NatWest. NatWest also specifically objects to any requirement that it inquire of such persons as to whether any of them know of the subject matter of this Contention Interrogatory.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

NatWest does not contend that, as of January 1, 2001, none of its employees with relevant knowledge pertaining to Interpal's customer relationship with NatWest knew that Hamas had been designated as an FTO by the United States.

NatWest is unaware of any evidence that any of these persons did know, as of January 1, 2001, that Hamas had been designated an FTO by the United States, and NatWest does not know when any of these persons obtained any such knowledge. As of December 3, 2001, NatWest maintained a list of entities designated by OFAC, which included the information that Hamas had been designated as an FTO. See NW084649 – NW084859.

Olha Leeming currently is aware that Hamas was a terrorist organization during the Relevant Period. Doug Hartley understood Hamas to be a terrorist organization in Palestine, but does not recall whether that was his understanding during the Relevant Period. Neil Trantum knew that Hamas was involved in terrorism but does not know when he gained that knowledge. Michael Hoseason understood Hamas to be a terror organization in September 2001 but does not recall specifically that Hamas was on terrorist lists of a number of countries from 2001 through 2003. Stephen Foster knew by late 2002 that Hamas had been declared a terrorist organization by many governments. Tony O'Hear knew that Hamas was on the OFAC list, but does not know that Hamas was designated an "FTO." Irvine Rodger understood that Hamas is commonly regarded as being a terrorist organization by the United States and the European Union, but does

not recall whether that was his understanding as of 2001. Amanda Holt was aware that Hamas was listed on certain terrorist lists, but does not recall which lists or when she became aware of that fact. Sonia Gayle was aware that Hamas was designated a terrorist organization by the United States and the United Kingdom, but does not recall when she gained that awareness. See Leeming Tr. 47:23 – 48:3, May 21, 2009; Hartley Tr. 79:15 - 80:1, July 12, 2010; Trantum Tr. 73:10 – 74:9, July 13, 2010; Hoseason Tr. 95:13 – 96:11, 111:24 – 112:4, July 14, 2010; Foster Tr. 65:25 – 66:4, July 16, 2010; O’Hear Tr. 29:24-30:2, July 21, 2010; Rodger Tr. 53:16 – 54:2, July 22, 2010; Holt Tr. 51:10 – 53:17, July 23, 2010; Gayle Tr. 111:22 – 112:10, Oct. 27, 2010.

NatWest is unaware of any of its employees with relevant knowledge pertaining to Interpal’s customer relationship with NatWest who have knowledge about these subjects other than Olha Leeming, Doug Hartley, Neil Trantum, Michael Hoseason, Stephen Foster, Tony O’Hear, Irvine Rodger, Amanda Holt and Sonia Gayle.

Contention Interrogatory No. 7:

Do you contend that, as of January 1, 2001, You did not know that Hamas was an organization that claimed responsibility for perpetrating terrorist attacks, including suicide bombings, in Israel and the Palestinian Territories? If Your answer is affirmative, identify: the factual and legal basis for Your contention, including all facts, documents, Witnesses, and Testimony supporting Your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 7:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent it seeks information concerning the knowledge of NatWest employees other than those persons with relevant knowledge pertaining to Interpal’s customer relationship with NatWest. NatWest also specifically objects to any requirement that it inquire of such persons as to whether any of them know of the subject matter of this Contention

Interrogatory. NatWest also specifically objects that the term “perpetrating” is vague and ambiguous.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

NatWest does not contend that, as of January 1, 2001, none of its employees with relevant knowledge pertaining to Interpal’s customer relationship with NatWest knew that Hamas was an organization that claimed responsibility for perpetrating terrorist attacks in Israel and the Palestinian Territories.

NatWest is unaware of any evidence that any of these persons did know, as of January 1, 2001, that Hamas was an organization that claimed responsibility for perpetrating terrorist attacks in Israel and the Palestinian Territories and NatWest does not know when any of these persons obtained any such knowledge. Michael Hoseason was aware in September 2001 that Hamas claimed responsibility for attacks that were directed at civilians. Hoseason Tr. 217:5-8, July 14, 2010.

NatWest is unaware of any of its employees with relevant knowledge pertaining to Interpal’s customer relationship with NatWest who has knowledge that Hamas claimed responsibility for terrorist attacks in Israel and the Palestinian Territories other than Michael Hoseason.

Contention Interrogatory No. 12:

Do You contend that in 1996 NatWest performed any investigation regarding Interpal’s accounts with NatWest during or after the Charity Commission’s investigation of Interpal? If Your answer is affirmative, state the factual basis for Your contention, including all facts, documents, Witnesses, and Testimony supporting Your contention; and identify all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 12:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that the term “investigation” is vague and ambiguous. NatWest also specifically objects to this Contention Interrogatory to the extent that it is limited only to actions NatWest took in 1996.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

NatWest is unaware of any additional responsive information concerning its conduct in 1996 other than with respect to the actions it took pursuant to the Charity Commission’s orders freezing Interpal’s accounts and then terminating the initial freezing order, and NatWest’s regular reviews of Interpal’s accounts during that year.

Contention Interrogatory No. 16:

Do You contend that between October 3, 2003 and October 28, 2003, You completed a full investigation of payments made by Interpal? If Your answer is affirmative, state the factual basis for Your contention, including identifying each document reviewed in the course of Your investigation, all other facts, documents, Witnesses, and Testimony supporting Your contention; and identify all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 16:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that the term “full investigation” is vague and ambiguous. NatWest also specifically objects to this Contention Interrogatory to the extent that it is limited to the period between October 3, 2003 and October 28, 2003.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

NatWest confirms its understanding that Mr. Gossage's use of the phrase "full investigation" refers to the Charity Commission's inquiries.

Contention Interrogatory No. 25:

Do You contend that the statements contained in Interpal's August 6, 2002 letter to You (NW068227) pertaining to Interpal's receipt of £180,939 from the Islamic Charitable Society for the Support of Al-Aqsa diminished Your concerns regarding this transaction? If Your answer is affirmative, identify: the factual basis for Your contention, including all facts, documents, Witnesses, and Testimony supporting Your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 25:

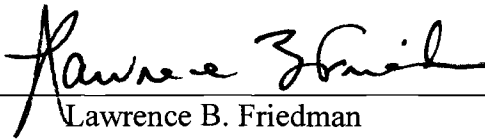
In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that the phrase "diminished Your concerns" is vague and ambiguous. NatWest also specifically objects to this Contention Interrogatory to the extent that it suggests that NatWest had concerns regarding the transaction.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

NatWest concluded that Interpal's August 6, 2002 letter to NatWest addressed the suspicions NatWest had regarding the transaction at issue.

Date: August 5, 2011

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: 
Lawrence B. Friedman
A Member of the Firm

One Liberty Plaza
New York, New York 10006
(212) 225-2000

Attorneys for Defendant National Westminster Bank Plc

EXHIBIT 19 to Declaration of Joel Israel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	
TZVI WEISS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	CV 05-4622 (DLI) (MDG)
- against -	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
-----	X	
NATAN APPLEBAUM, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	CV 07-916 (DLI) (MDG)
- against -	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
-----	X	

**SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS BY DEFENDANT
NATIONAL WESTMINSTER BANK PLC TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES (CONTENTION INTERROGATORIES)**

Defendant National Westminster Bank Plc ("NatWest") makes these second supplemental responses to Plaintiffs' Second Set of Interrogatories Directed to Defendant National Westminster Bank Plc dated April 29, 2011 (the "Contention Interrogatories") as follows:

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INFORMATION – NOT TO BE USED,
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AUTHORIZED BY COURT ORDER**

RESERVATION OF RIGHTS

These responses are made subject to, and without waiver of, the reservation of rights and objections set forth in NatWest's Responses And Objections To Plaintiffs' Second Set of Interrogatories, dated July 5, 2011.

SPECIFIC RESPONSES AND OBJECTIONS

Contention Interrogatory No. 3:

Do You contend that at any time during the Relevant Period NatWest policy permitted You to process Funds Transfers on behalf of or for the benefit of an FTO provided that (1) the Funds Transfer were not cleared through the U.S.; and (2) You did not detect evidence that such Funds Transfer was to be used in the commission of a Terrorist Act? If Your answer is affirmative, identify: the factual and legal basis for Your contention, including all documents, Testimony and Witnesses supporting your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 3:

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 and August 5, 2011 responses as follows:

The policies NatWest described in its July 5, 2011 response were the same for transfers of U.S. Dollar denominated funds on behalf of or for the benefit of a UK customer that was designated as an FTO in the United States, except to the extent that a designation issued pursuant to the OFAC regulations applied to a transaction, in which event NatWest's policies provided that the requirements of those regulations were to be observed. No such instances arose in connection with the Interpal accounts. See NW000084-111, NW0000112-43, NW196319-58; Wickens Tr. 95:15-22, 99:25-100:3, 293:5-13, June 23, 2008; Trantum Tr. 92:17-25, July 13, 2010; Foster Tr. 41:16-42:1, 43:14-44:1, 44:15-45:14, 170:23-25, 180:16-21, July 16, 2010.

Contention Interrogatory No. 12:

Do You contend that in 1996 NatWest performed any investigation regarding Interpal's accounts with NatWest during or after the Charity Commission's investigation

of Interpal? If Your answer is affirmative, state the factual basis for Your contention, including all facts, documents, Witnesses, and Testimony supporting Your contention; and identify all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 12:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that the term “investigation” is vague and ambiguous. NatWest also specifically objects to this Contention Interrogatory to the extent that it is limited only to actions NatWest took in 1996.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 and August 5, 2011 responses as follows:

The documents that support NatWest’s supplemental response to this contention interrogatory include W_S081305-29, NW014516 and NW016495-500.

Contention Interrogatory No. 16:

Do You contend that between October 3, 2003 and October 28, 2003, You completed a full investigation of payments made by Interpal? If Your answer is affirmative, state the factual basis for Your contention, including identifying each document reviewed in the course of Your investigation, all other facts, documents, Witnesses, and Testimony supporting Your contention; and identify all persons or entities known by You to have knowledge of relevant facts supporting Your contention.

Response to Contention Interrogatory No. 16:

In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that the term “full investigation” is vague and ambiguous. NatWest also specifically objects to this Contention Interrogatory to the extent that it is limited to the period between October 3, 2003 and October 28, 2003.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 and August 5, 2011 responses as follows:

NatWest's understanding of Mr. Gossage's use of the phrase "full investigation" is based on NatWest's reading of his October 28, 2003 letter where he used that phrase, as well as NatWest's understanding of the issue at the time.

Contention Interrogatory No. 22:

Do you contend that, at any time during the Relevant Period, NatWest closed any customer accounts on the basis of suspicions of terrorism or terrorist financing? If Your answer is affirmative, identify: the factual basis for closing such accounts, including whether such customer or customers had been designated as terrorists by any governmental entity, and all documents, Testimony and Witnesses supporting your contention; and all persons or entities known by You to have knowledge of relevant facts supporting Your contention. (In answering this Interrogatory, you may redact the specific name, address and other personal data such as phone number, government identification number etc.)

Response to Contention Interrogatory No. 22:

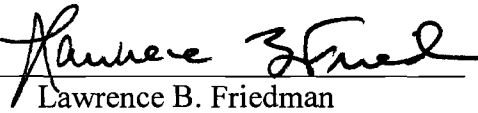
In addition to the foregoing General Objections, NatWest specifically objects to this Contention Interrogatory to the extent that it seeks information concerning customer accounts other than Interpal or other entities which have been the subject of discovery in this litigation. NatWest also specifically objects to any requirement that it gather information responsive to the subject matter of this Contention Interrogatory other than the information that has already been provided to Plaintiffs in the course of discovery.

Subject to and without waiving the foregoing Reservation of Rights and the General Objections, NatWest supplements its July 5, 2011 response as follows:

After undertaking a reasonable search NatWest is unaware of any additional information responsive to this request.

Date: August 16, 2011

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: 
Lawrence B. Friedman
A Member of the Firm

One Liberty Plaza
New York, New York 10006
(212) 225-2000

Attorneys for Defendant National Westminster Bank Plc

EXHIBIT 20 to Declaration of Joel Israel

GSI Production

File Edit Setting Help

IW7CE/1 CUSTOMER EVENT DETAILS As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 07/03/1996
Customer Contact: Bank Contact: CHERYL/NLLC/BT
Account Number: Account Type: Sort Code:
Event Details -
PHONE CALL RECV'D FROM 'MR SIMON HAYWOOD' CHARITY COMMISSION RE THIS A/C.

Action Summary -

Additional Details -

OPT . CIN/CRN 1143476903/HTS10441
F1=Hlp F2=Exit F12=CDA Menu
TN3406 22/006

start 7 Microsoft Off... Argos - www.ar... GSI Production Insiter RES Glob... Document1 - Mic... EN 11:48

HIGHLY CONFIDENTIAL

NW 014516

EXHIBIT 21 to Declaration of Joel Israel

IW7CE/L

CUSTOMER EVENT LIST

As at 05/10/02

Customer Short Name: Palestinians Relie

S TYPE

DATE LOCATION USER ID

. INT Interview Free Format 09/04/1996 600822 SG31
special in [REDACTED] from abbey nat 090300 pay to [REDACTED] prod paid 10:00

. INT Interview Free Format 13/03/1996 600822 MT33
with regards to inv note 7/3-credits ok to pass without referral

. CSP Correspondence Free Format 07/03/1996 600822 YY41
STOP ON AC PER CHARITY COMMISSION

. CSP Correspondence Free Format 12/02/1996 600822 LSA1
Refund of charges/Group a/c to be opened

. CSP Correspondence Free Format 12/02/1996 600822 LSA1
See i/n 95142940 re charges

OPT .. CIN/CRN 1143476903/HFS10441

F1=Hlp F2=Exit F8=Up F9=Down F12=CDA Menu

MORE

IW7CE/1

CUSTOMER EVENT DETAILS

As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 09/04/1996

Customer Contact:

Bank Contact:

Account Number:

Account Type:

Sort Code:

Event Details -

Action Summary -

Additional Details -

OPT .. CIN/CRN 1143476903/HTS10441

F1=Hlp F2=Exit F12=CDA Menu

IW7CE/1

CUSTOMER EVENT DETAILS

As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 13/03/1996

Customer Contact:

Bank Contact: maria smo

Account Number:

Account Type:

Sort Code:

Event Details -

Action Summary -

Additional Details -

OPT .. CIN/CRN 1143476903/HTS10441

F1=Hlp F2=Exit F12=CDA Menu

IW7CE/1

CUSTOMER EVENT DETAILS

As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 07/03/1996

Customer Contact:

Bank Contact: CHERYL/NLLC/BT

Account Number:

Account Type:

Sort Code:

Event Details -

PHONE CALL RECV'D FROM 'MR SIMON HAYWOOD' CHARITY COMMISSION RE THIS A/C.

Action Summary -

Additional Details -

OPT .. CIN/CRN 1143476903/HTS10441

F1=Hlp F2=Exit F12=CDA Menu

IW7CE/1

CUSTOMER EVENT DETAILS

As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 11/01/1996

Customer Contact: Mr Qundil

Bank Contact: L.Wiechula

Account Number:

Account Type:

Sort Code:

Event Details -

Met cust & agreed to refund charges passed totalling [REDACTED] on 6 a/cs owing to val cr bals [REDACTED] against ACT obj [REDACTED]. Have req a/cs be put into chgs gp & FIIC, future chgs to be waived in view of surplus, with this expected to remain consistent. Uninterested in Res a/cs on religious grounds

Action Summary -

NL Service-open group a/c (for 6 a/cs), with FIICS

NL Lending-order Group TAF

Additional Details -

OPT .. CIN/CRN 1143476903/HTS10441

F1=Hlp F2=Exit F12=CDA Menu

IW7CE/1

CUSTOMER EVENT DETAILS

As at 05/10/02

Customer Short Name: Palestinians Relie

CUSTOMER NOTE

Date of Contact : 11/01/1996

Customer Contact: Mr J Qundil

Bank Contact: L.Wiechula

Account Number:

Account Type:

Sort Code:

Event Details -

Action Summary -

Additional Details -

OPT .. CIN/CRN 1143476903/HTS10441

F1=Hlp F2=Exit F12=CDA Menu

EXHIBIT 22 to Declaration of Joel Israel



163 of 197 DOCUMENTS

Copyright 1997 Guardian Newspapers Limited
The Guardian (London)

August 7, 1997

SECTION: THE GUARDIAN FOREIGN PAGE; Pg. 11

LENGTH: 1347 words

HEADLINE: CLOSE TRUST, ISRAEL PLEADS;
Britain is being asked to clamp down on Palestinian fundraisers. Julian Borger in Jerusalem reports

BYLINE: Julian Borger In Jerusalem

BODY:

ISRAEL will demand the closure of a Palestinian charity in Britain on the grounds that it is helping fund terrorism in the Middle East, a senior Israeli intelligence source said yesterday.

The source said the charity, Interpal, was controlled by Hamas, a militant Islamist organisation which Israel believes carried out the suicide-bombing of a Jerusalem market last week.

Ibrahim Hewitt, an Interpal trustee living in Leicester, denied the claims: "Our money goes to the poor and needy in the occupied territories. We don't want to get sucked into politics. It's outrageous if a foreign country is trying to put pressure on a registered charity here."

Israel last year accused Interpal, or the Palestinian Relief and Development Fund, of having links with Hamas. Interpal's British accounts were frozen, but after a two-month inquiry, the Charity Commission gave it a clean bill of health in May 1996.

"They were well organised and we found no evidence of any donation that could not be accounted for, or that had been given for political reasons," the commission's 1996 annual report said, adding that its staff appeared to be "motivated by faith and altruism rather than fanaticism".

Israeli intelligence says the commission's investigation was superficial. It insists that Interpal is Hamas's main financier in the West, not only raising funds but also channelling donations from Muslims in Saudi Arabia and in the United Arab Emirates.

An Israeli intelligence source said Israel had asked the Britain to shut Interpal last year, but was told there were "political obstacles".

"If you give money to organisations that kill people who aren't British, then that's OK it seems," the official said. "We have asked for this to be dealt with several times. We are going to ask again in the wake of the bombing."

An Israeli foreign ministry official was unable to confirm yesterday whether a request to close Interpal would be submitted through diplomatic channels.

Interpal workers said they raised about pounds 1 million last financial year, which funded 40 to 50 charities in the West Bank and the Gaza Strip. They said they could not release the charities' names without their permission.

Mr Hewitt said it was possible that some of Interpal's beneficiaries in the Palestinian territories had been established by Hamas, but argued that Hamas runs a social welfare and religious network separate from its military wing, Izz el-Deen al-Qassam.

CLOSE TRUST, ISRAEL PLEADS; Britain is being asked to clamp down on Palestinian fundraisers. Julian Borger in Jerusalem reports The Guardian (London) August 7, 1997

"It's like the difference between Sinn Fein and the IRA," Mr Hewitt said.

Since its emergence in 1988, Hamas has built its support base on social welfare societies and mosques. It rejected the secular nationalism of Yasser Arafat's Palestine Liberation Organisation (PLO), and opposes the 1993 Oslo peace accords with Israel.

Israel claims that much of the money donated to Hamas-run charity organisations is diverted to the families of Hamas fighters, or siphoned directly to al-Qassam, which has taken responsibility for 10 bombing and shooting incidents since 1994.

Israeli intelligence admits, however, that it does not have conclusive evidence that Hamas was behind last week's market bombing, which killed 13 people. The remains of the two suicide bombers have still not been identified, nor have the explosives used.

The intelligence services suspect Hamas because the two other possible suspects, Islamic Jihad and the Lebanese-based Hizbullah, have both denied responsibility.

The call for Interpal's closure is one of a series of security and punitive measures Israel has taken aimed at forcing Mr Arafat, the Palestinian Authority president, to crack down on Islamic militants. Israel has sealed off Palestinian-run areas and withheld tax and tariff payments owed to the authority.

Despite appeals from Jordan's Crown Prince Hassan yesterday during a peace -making visit to Jerusalem, the Israeli prime minister, Binyamin Netanyahu, said he would not relent until the authority had met "its obligations" to fight terrorism. "We stand by our measures," he said.

* Five UN peacekeepers were killed when their helicopter crashed in Israel's occupation zone in south Lebanon yesterday. One was named by the Irish defence forces as Sergeant John Lynch, aged 34, from Co Kildare. The others were thought to be Italian.

Meanwhile, Lebanon's pro-Iranian Hizbullah fired more than 30 Katyusha rockets towards Israel late last night, a pro-Israeli militia source said.

LOAD-DATE: August 7, 1997

EXHIBIT 23 to Declaration of Joel Israel



Suicide bombers linked to London

Article from: [The Sunday Telegraph London](#) Article date: [August 17, 1997](#)
Author: [JESSICA BERRY](#)

AN ISRAELI security chief has flown to London to investigate claims that the latest suicide bombings in Jerusalem were planned in Britain.

Ami Ayalon, the head of Israel's Shin Bet internal security service, is liaising with MI5 agents investigating the activities of Palestinian militants in London, which has acquired a reputation as an international centre for Islamic extremists.

Israeli security forces are still trying to discover the identities of the two bombers who killed themselves and 14 other people and wounded 150 in a Jewish market in Jerusalem at the end of July. Mr Ayalon flew to Britain following reports that the terrorists had entered Israel on British passports. The Israelis have also re-interrogated an Arab held since April last year after being badly injured in an east Jerusalem hotel room while allegedly constructing a bomb. The suspect entered Israel on a stolen British passport having travelled via Switzerland. The Palestinian Islamist group Hamas, based in Gaza, claimed responsibility for the July bombings. At first, Israeli officials thought the bombers were two young Palestinian men who vanished from the West Bank village of Dahariya about 15 months ago. But genetic tests showed the attackers were not the missing men. Arabic newspapers in London reported that the bombers had come from a Palestinian refugee camp in Lebanon. Security chiefs are now working on the basis that the attackers received financial aid and training from abroad. They had large amounts of Jordanian dinars in their pockets, and the tags in their clothing had been ripped out. Officers believe they may have flown to Israel from Europe after acquiring British passports, and are investigating reports that the attack was planned by Arab extremists based from London. Israeli officials are said to have become increasingly frustrated by what they see as British foot-dragging in curbing the activities of Palestinian hard-liners. The Israeli government has made repeated calls for action to be taken against militants, said to be operating freely in the British capital. The Foreign Office said last week there was no evidence to support the Israeli allegations, and called on the Jewish state to hand over any evidence it had. However, British security sources revealed at the end of last week that they had begun to review Hamas's status following Israeli pressure to outlaw the organisation in Britain. Hamas - unlike other Middle East organisations such as the Iran-funded Hizbollah in Lebanon - is not listed as a terrorist organisation here. According to the Israelis, more than pounds 7 million a year is donated in Britain or goes through the London banking system to help Hamas. A London office, operating under the name of Interpal, a registered charity, channels money collected in Saudi Arabia and the Gulf states to assist Hamas prisoners and their families. Interpal's accounts were frozen last year, but a two-month Charity Commission inquiry cleared it of any wrongdoing. Israeli suspicions of foreign involvement will come as a relief to Yasser Arafat, president of the Palestinian Authority, who has insisted that the suicide attacks could not have been plotted from areas under his control. Israel imposed tough economic and security sanctions on Palestinians in the West Bank and Gaza after the bombings, and accused Mr Arafat of encouraging terrorist attacks by not cracking down on militant Islamic groups in these areas.

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EXHIBIT 24 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

NEIL TRANTUM

Vol. 1

July 13, 2010



Original File 130710 Neil Trantum.txt

Min-U-Script® with Word Index

HIGHLY CONFIDENTIAL Page 1

1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF NEW YORK
 3 Action No: 05cv4622 (DGT) (MDG)
 4 - - - - -
 5 TZVI WEISS, et al,
 6 against Plaintiffs,
 7 NATIONAL WESTMINSTER BANK, PLC.,
 8 Defendant.
 9 - - - - -
 10 NATAN APPLEBAUM, et al.,
 11 Plaintiffs,
 12 against
 13 NATIONAL WESTMINSTER BANK, PLC.,
 14 Defendant.
 15
 16 VIDEOTAPED DEPOSITION OF NEIL TRANTUM
 17 Tuesday 13 July 2010
 18 At: 10:00 am
 19 Taken at:
 20 Cleary, Gottlieb, Steen & Hamilton LLP
 21 55 Basinghall Street, London
 22 United Kingdom
 23
 24
 25

HIGHLY CONFIDENTIAL Page 3

1
 2 Also Present:
 3 EXAMINER: ADRIAN HUGHES
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 5 COURT REPORTER:
 6 AILSA WILLIAMS
 7 European Deposition Services
 8 59 Chesson Rd
 9 London, W14 9QS
 10
 11 Telephone: 44 (020) 7385 0077
 12
 13 VIDEOGRAPHER: DAVID ROSS
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

HIGHLY CONFIDENTIAL Page 2

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 14 Dallas, Texas 75270
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 19 Zuckerman Spaeder LLP
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 21 Washington, DC 20036-5807
 22 Tel: 202 778 1996
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1
 2 NEIL TRANTUM7
 3 DIRECT EXAMINATION BY MR.7
 4 GOELMAN:
 5 INDEX OF EXHIBITS
 6 Trantum 1 NW21212454
 7 Trantum 2 NW008356-36657
 8 Trantum 3 NW191801-80663
 9 Trantum 4 NW01295275
 10 Trantum 5 NW008374-38078
 11 Trantum 6 NW008412-42082
 12 Trantum 7 NW088194-9793
 13 Trantum 8 NW051130-36101
 14 Trantum 9 NW000149-164113
 15 Trantum 10 NW014025-36118
 16 Trantum 11 NW012925-38118
 17 Trantum 12 NW196915-932128
 18 Trantum 13 NW190202-205132
 19 Trantum 14 NW180856-57135
 20 Trantum 15 NW180811-815135
 21
 22
 23
 24
 25

HIGHLY CONFIDENTIAL Page 33

1 A. I can't really recall but I can tell you
 2 that the Abacha Inquiry that the FSA undertook, at
 3 around that time was when I think this all started
 4 kicking off.
 5 Q. So it was in some respects a reaction to
 6 that Inquiry, the bank started doing defensive
 7 reporting?
 8 A. Not just that Inquiry. As I said to you,
 9 the FSA had a focus on money laundering.
 10 Q. When was the FSA -- when did it get
 11 responsibility for money laundering investigations?
 12 A. I don't think it has had responsibility
 13 for money laundering investigations. It has
 14 responsibility for supervising financial institutions.
 15 It took the banking ones over from the Bank of England
 16 in I think in 1998. I am not entirely sure, but around
 17 that time.
 18 Q. When you were supervising Mr. Wickens and
 19 he was in charge of the Money Laundering Team, do you
 20 recall any occasions where he would elevate a decision
 21 about whether or not to report to you or he would get
 22 your opinion on whether or not it was something that
 23 should be reported?
 24 A. I don't recall a case, sorry. It is
 25 a long time ago.

HIGHLY CONFIDENTIAL Page 34

1 Q. Okay. I am not asking if you recall
 2 specific case. Do you think that happened from time to
 3 time or do you think that he pretty much made those
 4 decisions or his team made those decisions on their own?
 5 A. Largely, he would have dealt with these
 6 things without any referral to me. If there was
 7 something of significance I am sure he would have
 8 discussed it with me, and he had close liaisons with the
 9 law enforcement authorities on active cases where they
 10 needed information, not necessarily ones that we
 11 disclosed.
 12 Q. Did Mr. Wickens' team have responsibility
 13 for reporting suspicions of terror financing as well as
 14 generic money laundering?
 15 A. I don't think there was a distinction
 16 made, especially in those days.
 17 Q. You think terror financing fell under the
 18 rubric of money laundering?
 19 A. Yes, as you know, when fraud has occurred,
 20 isn't that money laundering, and if funds are being
 21 laundered or you suspect they are, how do you know
 22 whether it is terrorist financing or fraud or anything?
 23 Trying to distinguish between the two is almost
 24 impossible.
 25 Q. Would the forms that the bank reported

HIGHLY CONFIDENTIAL Page 35

1 suspicions on require the reporter to check a particular
 2 statute that was potentially implicated, like the
 3 Prevention of Terror Act or the Proceeds of Crime Act?
 4 A. I don't believe in those early days that
 5 that was at all the case. In fact, I am not even sure
 6 all of the laws existed in those days. Certainly the
 7 later forms, if somebody felt that it could be terrorist
 8 financing, it was highlighted in some way.
 9 Q. When Mr. Wickens left, whenever it was,
 10 did Mike Hoseason replace him as team leader of the
 11 Money Laundering Group?
 12 A. I believe he did.
 13 Q. And was he the team leader of the Money
 14 Laundering Group throughout the rest of your time with
 15 Group Investigations & Fraud?
 16 A. I can't remember. I left Group
 17 Investigations & Fraud, went into Group Security & Fraud
 18 and I went into a unit called Group Intelligence. Mike
 19 at some stage left Group Security & Fraud and moved into
 20 the Corporate business.
 21 Q. Okay. Do you recall when approximately
 22 you went into Group Intelligence?
 23 A. 2006, maybe.
 24 Q. At some point there are certain functions
 25 of Group Investigations & Fraud that were moved to

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1 Edinburgh, correct?
 2 A. Sorry, to?
 3 Q. Edinburgh?
 4 A. Edinburgh, yes.
 5 Q. After the point where it moved, those
 6 functions moved to Edinburgh, were you still in charge of
 7 Group Investigations & Fraud for a period of time?
 8 A. I am not entirely clear. I think I was
 9 but I am not entirely sure.
 10 Q. Did you actually have to commute or work
 11 out of Edinburgh at all?
 12 A. I went up to Edinburgh quite regularly.
 13 Q. Did Tony O'Hear replace Mr. Hoseason as
 14 team leader of the Anti-money Laundering Team while you
 15 were still in charge?
 16 A. I don't know whether I was in charge, but
 17 Tony O'Hear certainly had a role as a team leader in the
 18 Money Laundering. I think he started off in the Alert
 19 side, Money Laundering Alerts.
 20 Q. You said that in 2006 or approximately
 21 2006 you went to Group Intelligence, is that right?
 22 A. Yes.
 23 Q. How long were you there?
 24 A. Until I left, in 2007.
 25 Q. Do you recall approximately when in 2007

<p>HIGHLY CONFIDENTIAL Page 73</p> <p>1 A. I don't know for certain. I read it in 2 the paper, so yes is the answer you are looking for, but 3 it is not my personal knowledge. 4 Q. Right. Obviously you have not been on the 5 ground and in Palestinian territories watching this 6 happen. As far as you know, from what you have read, 7 does that violence include suicide attacks against 8 Israeli civilians? 9 A. Yes. 10 Q. Do you regard Hamas to be a terrorist 11 organization? 12 MR. BLACKMAN: I think that is utterly 13 irrelevant but you can answer the question. 14 A. I think it is a difficult question. 15 Involved in terrorism, yes, certainly over a period of 16 time. Obviously, over a period of time things change 17 and I think there is a period of change happening, and I 18 don't know how long it will go on for. It is a bit like 19 looking at the Northern Ireland dispute over here, but I 20 think the answer to your question is yes. 21 Q. Okay. And you don't recall when you first 22 heard of Hamas, just approximately? 23 A. Sorry? 24 Q. This article is written in 1996. Do you 25 see that?</p>	<p>HIGHLY CONFIDENTIAL Page 75</p> <p>1 THE VIDEOGRAPHER: This is the end of tape 2 one, volume one, in the video deposition of Mr. Neil 3 Trantum. Going off the record now at 12:12 pm, as 4 indicated on the video screen. 5 (A short break) 6 THE VIDEOGRAPHER: This is the beginning of 7 tape two, volume one, of the video deposition of 8 Mr. Neil Trantum. We are on the record again at 12:23 9 pm, as indicated on the video screen. 10 MR. GOELMAN: Mr. Trantum, I want to mark 11 another exhibit? This is a one page exhibit, Bates 12 stamp NW012952, and I am handing it to the court 13 reporter and asking that it be marked as Trantum 14 Exhibit 4. 15 (Exhibit Trantum 4 marked for identification) 16 Have you had a chance to look at that? 17 A. I have. 18 Q. Have you ever seen that document before, 19 Mr. Trantum? 20 A. No. 21 Q. It is addressed to: "C. McComas, Group 22 Investigations & Fraud." Do you see that? 23 A. Yes. 24 Q. And that was the group that you were head 25 of on July 15, 2002?</p>
<p>HIGHLY CONFIDENTIAL Page 74</p> <p>1 A. Yes. 2 Q. Would you have been familiar with -- there 3 is the term again -- would you have known who Hamas was 4 in or around 1996? 5 MR. BLACKMAN: Are you asking him whether he 6 did know? 7 Q. Yes. Did you? 8 MR. BLACKMAN: If you recall. 9 A. I believe so but I cannot be certain. 10 Q. And you recognize Hamas as an Islamic 11 group, as religiously motivated, right? 12 MR. BLACKMAN: Objection to the form of the 13 question. 14 A. Do I answer? 15 MR. BLACKMAN: You can answer if you want. 16 A. Sorry, what was the question? 17 Q. You recognize Hamas as a religiously 18 motivated Islamic group? 19 A. I recognize that that is part of their 20 motivation. 21 Q. In other words, they are not secular? 22 MR. BLACKMAN: Objection. 23 THE EXAMINER: I think this is going outside 24 the scope and it is probably an appropriate moment to 25 stop because the tape has finished.</p>	<p>HIGHLY CONFIDENTIAL Page 76</p> <p>1 A. Yes. 2 Q. Do you know who C. McComas was? 3 A. The name is familiar. 4 Q. Did a woman named Charlotte McComas work 5 for you? 6 A. I think so. 7 Q. Do you recognize the name Belinda Lane? 8 A. No. 9 Q. Do you have any recollection of 10 a Ms McComas consulting with you about the topic of this 11 memo? 12 A. No. 13 Q. Do you see the fourth line, fourth bullet 14 point down says: "Jihad Qundil has been only point of 15 contact." It starts with that. 16 A. Yes. 17 Q. If you were ever consulted about a case 18 concerning a customer whose first name was Jihad, is 19 that something you would remember? 20 MR. BLACKMAN: Objection. That is really an 21 outrageous question and I would ask that you rephrase 22 it. 23 MR. GOELMAN: No, I don't see why that is 24 objectionable. 25 MS SMITH: As opposed to what, Abraham, Isaac?</p>

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1 A. Different countries? I am aware of the UN
 2 sanctions list.
 3 Q. Okay. Are you aware of a list by the Bank
 4 of England that the Bank of England maintains?
 5 A. Yes.
 6 Q. When did you become aware of not the
 7 particular list with names, I am just talking about the
 8 existence of that practice of having these lists. When
 9 did you become aware of that?
 10 A. Before I joined NatWest.
 11 Q. And are you aware then, in addition to
 12 Bank of England lists and UN lists, that the United
 13 States Government has its own list of suspected
 14 terrorists?
 15 A. No.
 16 Q. Are you familiar with an entity called
 17 OFAC?
 18 A. Yes.
 19 Q. What do you understand OFAC to be?
 20 A. A list -- well, actually I don't know.
 21 You have asked me what I understand it to be. I don't
 22 know this is right, my understanding was it was a list
 23 of things we should not be dealing with. I could not
 24 have told you whether it was terrorism, fraudsters or
 25 what.

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1 Q. You understood OFAC to maintain lists that
 2 the United States Government did not want people to deal
 3 with?
 4 A. My understanding is, from an RBS/NatWest
 5 view, dollar payments cleared through the US, and
 6 therefore you need to comply with the OFAC list for
 7 dollar payments.
 8 Q. Okay. But I mean the OFAC list itself,
 9 you understood that to be a list of institutions and
 10 people, is that right?
 11 A. Actually I have never seen it but --
 12 Q. Okay. Whether or not you have seen it, do
 13 you understand it had names of people and institutions
 14 on it?
 15 A. Yes.
 16 Q. And that was a list -- whether or not you
 17 know what the actual acronym OFAC stands for, did you
 18 understand it was part of the American Government?
 19 A. In its widest sense, yes.
 20 Q. Wider sense?
 21 A. Is the Bank of England part of the UK
 22 Government? Is it independent?
 23 Q. You would know that better than I would.
 24 MR. BLACKMAN: I think what you are getting
 25 at --

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1 A. I knew it was part of the authorities.
 2 Whether it was independent of the Government or whether
 3 the Government can influence it, I have no idea.
 4 Q. And what was your understanding of the
 5 effect of the OFAC list on NatWest?
 6 A. As I said, dollar payments was where it
 7 would hit NatWest.
 8 Q. Okay.
 9 A. When I joined NatWest, that is.
 10 Q. Was it your understanding that if there
 11 was a person or organization that was on an OFAC list,
 12 it was okay for NatWest to maintain that person or
 13 organization as a customer?
 14 A. It didn't necessarily follow one way or
 15 the other. The OFAC list is for dollar payments, it is
 16 a US thing. In the UK that is not necessarily the be
 17 all and end all.
 18 Q. So is your answer then that you believed
 19 that it was acceptable for the bank to maintain an OFAC
 20 designated person or institution as a customer?
 21 A. I didn't say it was acceptable. It would
 22 depend on the circumstances.
 23 Q. So the fact that someone was on the OFAC
 24 list was not determinative of whether or not the bank
 25 could maintain them as a customer?

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1 A. Absolutely.
 2 Q. What about transferring money? This is
 3 a different situation from someone being a customer, but
 4 transferring money to somebody on the OFAC list, is your
 5 answer the same?
 6 MR. BLACKMAN: Dollars or sterling?
 7 MR. GOELMAN: Non-dollars, sterling.
 8 A. Same answer as before. It might be, it
 9 might not be.
 10 Q. The fact that someone is on the OFAC list
 11 was not determinative of whether or not it was okay to
 12 transfer that person or institution non-dollar
 13 transactions?
 14 A. Yes.
 15 Q. And what was your understanding of that
 16 based upon?
 17 A. The group comply with UK laws and
 18 regulations and required its subsidiaries overseas or
 19 offices overseas to comply with the Group's UK
 20 legislations and local legislations as well. In certain
 21 parts of the world, OFAC has no bearing.
 22 Q. And is the UK part of the world where OFAC
 23 has no bearing?
 24 A. For non-dollar payments, OFAC has no
 25 bearing in the UK.

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1 you whether everyone on this list is familiar with
 2 something?
 3 MR. GOELMAN: I object to the blatant
 4 coaching.
 5 A. I am not sure what it means. Okay, it
 6 could be that a decision has been made by the Group,
 7 i.e. Amanda Holt and Group Risk Management, whoever
 8 needed to do that.
 9 Q. Okay, and you --
 10 A. And, you know, we are now aware a decision
 11 has been made.
 12 Q. But sitting here today you don't recall
 13 such a decision?
 14 A. No.
 15 Q. To cover the OFAC?
 16 A. No, I don't know even now what that
 17 decision was to cover. Does that mean we were going to
 18 be complying with it across the whole Group? Does it
 19 mean we are going to be searching and then deciding what
 20 to do with each item? I have no idea. I don't recall.
 21 Q. And you don't recall any discussion about
 22 whether or not to honor the OFAC lists?
 23 MR. BLACKMAN: Objection to the form of the
 24 question. "Honor" is completely vague. You may answer.
 25 A. For the US clearing of US funds, the Group

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1 was always to comply with it.
 2 Q. And do you recall actual discussions or
 3 decisions about that or do you just recall that being
 4 the way the bank conducted its business?
 5 A. I recall the Group putting in place an
 6 electronic system to try and filter on electronic
 7 payments. I was not involved with it but I was aware of
 8 it.
 9 Q. Do you know what that system was called?
 10 A. No idea.
 11 Q. Do you know about when it was put into
 12 place?
 13 A. I don't know.
 14 Q. But your recollection sitting here today
 15 is that it was the Group's policy to allow payments to
 16 OFAC listed parties as long as they were not designated
 17 in US dollars?
 18 A. I don't know what the Payments Department
 19 allowed and did not allow, I am sorry.
 20 Q. As head of Group Investigations & Fraud,
 21 do you know what the bank's policy was about maintaining
 22 accounts for persons or organizations that were listed
 23 by OFAC but not listed by the Bank of England?
 24 MR. BLACKMAN: Asked and answered the
 25 question, ten minutes ago, but you can answer again.

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1 A. I don't think it made -- the policy made
 2 a distinction about OFAC account holders.
 3 Q. What do you mean, didn't make
 4 a distinction? They were treated just like people who
 5 were not on the OFAC list?
 6 A. I don't think the policy mentioned OFAC,
 7 you know, opening accounts, having people as customers.
 8 I don't think that the policy -- I don't recall the
 9 policy mentioning OFAC. It might have. As I said
 10 earlier, it will have mentioned complying with local
 11 legislation in the US.
 12 Q. But in terms of if somebody came to you in
 13 2002 and said "This customer, not in the US, this
 14 customer in England is on the OFAC list, what shall we
 15 do about it," your answer would be "Nothing"?
 16 MR. BLACKMAN: Objection to the form of the
 17 question.
 18 Q. Is that fair?
 19 MR. BLACKMAN: Asked and answered and in
 20 substance before. You can answer one more time.
 21 A. Sorry, what was the question again?
 22 Q. That if you are head of Group
 23 Investigations & Fraud --
 24 MR. BLACKMAN: He is not in charge of opening
 25 accounts, by the way.

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1 MR. GOELMAN: 2002 -- thank you for that
 2 coaching. If one of your subordinates came to you in
 3 2002 and said: "This customer that we already have, it
 4 has come to my attention that they have been listed by
 5 OFAC", your response would have been essentially "So
 6 what?"
 7 MR. BLACKMAN: Objection, question is
 8 hypothetical. You can answer.
 9 A. No, we would have wanted to know to start
 10 with whether they were dealing with US dollars.
 11 Q. Okay. Aside from the concern about US
 12 dollars transactions?
 13 A. I don't think it ever came up.
 14 Q. Okay. If it had, your understanding was
 15 that there is nothing wrong with having an OFAC
 16 designated customer as long as they are not dealing in
 17 US dollars?
 18 A. No.
 19 MR. BLACKMAN: Object, hypothetical.
 20 THE EXAMINER: Can we let the witness give
 21 a very clear answer to this in his own words.
 22 A. I am not saying that it would or would not
 23 be. I think you would do -- you would ask more
 24 questions, find out more.
 25 Q. What kinds of questions?

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1 memo to Citizens, I am sorry. Citizens are on the
 2 distribution list.
 3 Q. Right.
 4 A. So Welf includes all the Welf businesses.
 5 Q. The first page of this exhibit, last
 6 number, number 5, says:
 7 "On receipt of a positive return, Group Risk
 8 Management will advise you in writing of any further
 9 action to be taken, i.e. freezing bank accounts."
 10 Do you see that. Do you understand the
 11 reference to "positive return" to be a match to a name
 12 on one of the lists that is being distributed?
 13 A. You may be right but it is not an
 14 assumption I would draw. I just recall some sanctions
 15 lists, names on sanctions were very poor, so somebody,
 16 "Mohammed" for instance, and if you search the NatWest
 17 customer base for Mohammed you would come up with
 18 hundreds, sorry, probably thousands of hits. So you
 19 then would have to do a lot more research, so what it
 20 means by "a positive" I don't know, that would have been
 21 determined by the procedures that this document refers
 22 to earlier.
 23 Q. In terms of a human being actually going
 24 through and filtering out --
 25 A. No, what a positive return is, it might be

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1 any match or it might be ones that you have matched,
 2 done some research and meet certain criteria. I don't
 3 know, I can't recall.
 4 Q. Okay. When it says "Group Risk Management
 5 will advise you in writing of any further action to be
 6 taken, i.e freezing bank accounts", do you know what
 7 factors could militate in favor of Group Risk Management
 8 recommending a freeze or ordering a freeze on
 9 a particular bank account?
 10 A. I don't know the factors, but obviously if
 11 it is on the Bank of England list it would have needed
 12 to be frozen, because it should have been frozen
 13 already, for instance, but I don't know how they
 14 applied.
 15 Q. Were you involved in any situation where
 16 the bank did freeze --
 17 A. The department was, yes, because of the
 18 consent provisions.
 19 Q. Meaning?
 20 A. Group Investigations & Fraud. So if you
 21 submit a Suspicious Activity Report and then somebody
 22 wanted to do something on that account, you would have
 23 to block it, unless you got permission of the
 24 authorities. This didn't apply throughout my time there
 25 but it did at some point, and in order to block the

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1 account you would have to make sure nothing was put
 2 through; you would have to freeze it.
 3 Q. Let me switch gears slightly from a freeze
 4 to terminating a relationship with a customer. During
 5 your period of time as head of Group
 6 Investigations & Fraud, were you ever involved in
 7 a decision to actually terminate a customer, tell
 8 a customer to look elsewhere for banking services?
 9 A. We didn't have the authority to do that.
 10 We could make a recommendation but it was for the
 11 businesses to decide whether they terminated
 12 a relationship or not.
 13 Q. When you say "the business", it was not
 14 any function within Group that had the final say? It
 15 was the constituent business lines?
 16 A. It was the business. Obviously, if the
 17 Group Chief Executive was aware of an issue and decided
 18 that it should not be, then whatever he said would go,
 19 but generally it would be, it is the business. It
 20 became a bit more problematical when a customer banks
 21 across different businesses.
 22 Q. When you say: "We had the authority to
 23 make a recommendation for termination of the customer",
 24 did that from time to time occur while you were head of
 25 Group Investigations & Fraud?

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1 A. Yes, well, it will have done.
 2 Q. It did?
 3 A. Yes.
 4 Q. About how frequent was that?
 5 A. I don't know. There would have been stats
 6 produced which would have shown that, but I don't know.
 7 Q. From your recollection -- if the bank had
 8 decided or Group Investigations & Fraud had made
 9 a determination "We should terminate the customer", is
 10 that something you would have to have been consulted
 11 about?
 12 A. No.
 13 Q. No, even that could have come below your
 14 pay grade?
 15 A. Yes.
 16 Q. Do you recall being personally involved in
 17 the decision to recommend terminating a customer?
 18 A. Yes, but through the Investigations
 19 function, not through the Money Laundering side.
 20 Q. And what reasons, without obviously naming
 21 the particular customer, what types of reasons could
 22 lead to that recommendation?
 23 A. Thinking he is a fraudster. Thinking he
 24 is money laundering.
 25 Q. And was it your understanding that the

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1 bank had a right to terminate a relationship with the
 2 customer if it thought that was the appropriate thing to
 3 do?
 4 A. Yes.
 5 Q. I want to have this exhibit marked as
 6 Trantum 9, please.
 7 (Exhibit Trantum 9 marked for identification)
 8 Q. This is a long document and you can take
 9 all the time you want to look at it. I am going to be
 10 asking questions about page 161, number 9 in that list.
 11 For the record, this is Bates stamped NW149 through
 12 NW164.
 13 A. Do we know when these are dated?
 14 Q. If you look at page 162 there is
 15 a reference to the Proceeds of Crime Act in July 2002,
 16 so by my powerful deductive reasoning that would be
 17 after that, but I cannot be any more specific. You can
 18 also refer to page 163, Mr. Trantum. At the bottom it
 19 names various employees. "Fleur Baugh or Doug Hartley,
 20 or in their absence Mike Hoseason or Jane Stuart". I
 21 don't know if that would give you a context in terms of
 22 timing.
 23 MR. BLACKMAN: Is there a question pending?
 24 Q. I thought he was still reviewing it. Just
 25 let me know when you are done, Mr. Trantum. Have you

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1 had a chance to review that?
 2 A. I have.
 3 Q. It looks like you actually reviewed it
 4 pretty thoroughly. Is there anything -- did your review
 5 cause you to want to change or supplement any of your
 6 answers up to now?
 7 A. I have not seen this before that I can
 8 recall, and this is not quite in line with my
 9 understanding at the time.
 10 Q. In what way does it differ with your
 11 understanding at the time?
 12 A. I didn't think Group
 13 Investigations & Fraud, Group Financial Crime could
 14 instruct business to do anything. It could recommend
 15 but it could not require. We didn't have executive
 16 authority to close accounts.
 17 Q. So, on page NW161, number 9, when it --
 18 A. It says "insist on".
 19 Q. Insisting on termination of relationship?
 20 A. Yes.
 21 Q. That is something that you --
 22 A. I don't recall.
 23 Q. -- do not recall being within the
 24 authority of Group?
 25 A. Yes.

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1 Q. Okay, of Group Financial Crime?
 2 A. Group Financial Crime, yes.
 3 Q. Were you aware that this document existed,
 4 that this Procedure Manual for the Money Laundering
 5 Reporting Group existed?
 6 A. I can't recall.
 7 Q. Would that have been something that would
 8 have, if one of the constituent groups in your
 9 department was creating a Procedures Manual, would it
 10 have crossed your desk for your review?
 11 A. It may have done, may not have done. This
 12 is quite detailed. I think you asked previously about
 13 the integration between the two banks. This could have
 14 been produced for that integrating the two teams and the
 15 systems behind it.
 16 Q. Are you on page 161? It says at the top:
 17 "Number 1: Check GK and FMS for any connected cases".
 18 Do you recognize "FMS"? Do you know what that stands
 19 for?
 20 A. Fraud Management System.
 21 Q. And do you know what types of information
 22 would be on the Fraud Management System?
 23 A. Fraud cases, suspected fraud cases.
 24 Q. Is that something that was an RBS database
 25 or a NatWest database?

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1 A. It was originally an RBS database but
 2 became a Group database. I think there was, if I recall
 3 correctly, I think RBS had an FMS system and then there
 4 was a new FMS created for the combined Group, so there
 5 was probably an FMS Mark 1 and then an FMS Mark II, if
 6 that makes sense.
 7 Q. Yes. Number 2, it says "High profile
 8 Case" and then in parens: "Refer to High Profile Case
 9 definition document". Do you know what the criteria for
 10 a case being categorized as a High Profile Case was?
 11 A. I can't recall. I would have known but I
 12 can't recall.
 13 Q. Do you remember whose decision it was to
 14 say "This is a High Priority Case, this is not"?
 15 MR. BLACKMAN: High profile?
 16 MR. GOELMAN: I am sorry, "High Profile Case,
 17 this is not".
 18 A. For these procedures to work it must have
 19 been somebody doing initial assessment.
 20 Q. So that the Suspicious Activity Report
 21 comes in from the field, and whoever in Anti-money
 22 Laundering takes it would look at it and say: "This is
 23 a High Profile Case, this is not"?
 24 A. It met certain criteria, so it is High
 25 Profile.

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1 Q. And he sent it to Mr. Orr and copied you?
 2 A. Yes.
 3 Q. Can you tell me, and you may have already
 4 described this, what the reporting relationship between
 5 Mr. Hoseason and Mr. Orr and yourself was, in or
 6 about January 2005?
 7 A. I can't recall. I know Jim Orr was my
 8 boss.
 9 Q. Okay.
 10 A. But I can't remember when my role
 11 specifically changed, when Mike stopped reporting to me
 12 and when he reported elsewhere.
 13 Q. So Jim was definitely your boss?
 14 A. Yes.
 15 Q. You don't know whether Jim was Mike
 16 Hoseason's direct boss or whether you were still in
 17 between them?
 18 A. I can't remember. When Jim came in, you
 19 know, when the restructuring took place -- sorry, I just
 20 can't recall.
 21 Q. Mr. Hoseason copied you on an e-mail
 22 exchange relating to a group called Friends of Al-Aqsa.
 23 Do you see that?
 24 A. Yes.
 25 Q. Do you know why Mr. Hoseason copied you on

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1 this particular e-mail exchange?
 2 A. I was Jim's deputy. It is part of my role
 3 as head of Coordination, so when Jim came in -- I might
 4 have needed to be aware in case Jim was not around or
 5 somebody asked me because he was not there.
 6 Q. Do you sitting here today recall this
 7 issue with the Friends of Al-Aqsa coming up?
 8 A. No.
 9 Q. Do you recall, at any point during your
 10 tenure with NatWest and RBS, a customer, whether
 11 Interpal or any other customer being a customer of the
 12 bank being designated by OFAC?
 13 A. I am sure there must have been but I don't
 14 recall any, but the whole search criteria that went on,
 15 I am sure that must have thrown some up, or potentially
 16 some which would have needed to be investigated to find
 17 out whether they were in fact the same people.
 18 Q. Sitting here today, do you have
 19 a recollection of that ever occurring?
 20 A. A recollection, no, but you saw an extract
 21 of a list earlier that you have shown me.
 22 Q. Right.
 23 A. So I am sure things would have come up but
 24 I don't recall.
 25 Q. You are sure that what, just as a matter

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1 of odds that there would have been somebody on the OFAC
 2 list who was one of your customers?
 3 A. Yes, and either in the US or somewhere
 4 else around the world, even if the name was the same, it
 5 might be a different individual, so you would get a hit
 6 and then you would have to investigate.
 7 Q. It might be a false positive?
 8 A. Yes.
 9 Q. My question is different. Do you recall
 10 any occasion when there was a real positive where, you
 11 know, it turned out that the customer really was the
 12 person who was designated by OFAC?
 13 A. I don't recall any, apart from obviously
 14 we have talked about Interpal today.
 15 Q. I want to show you another two documents
 16 related to the episode with the Friends of Al-Aqsa. I
 17 understand that sitting here today you don't have any
 18 recollection of this.
 19 (Exhibit Trantum 14 marked for identification)
 20 This is Trantum Exhibit 14, please, and this
 21 is Trantum Exhibit 15.
 22 (Exhibit Trantum 15 marked for identification)
 23 A. I seem to have the same document twice
 24 here.
 25 MR. GOELMAN: There should be an 11-page

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1 document which is Trantum 14, just the memo and then one
 2 5-page document.
 3 A. It seems to be the same as -- this was the
 4 document, you had one missing. I now have two of them.
 5 MR. BLACKMAN: Now we have total confusion
 6 because we now have the same document marked Trantum 13
 7 and Trantum 15.
 8 MR. GOELMAN: 13?
 9 A. You know you said you had a 13 missing, we
 10 would have to share, I think we have found out where it
 11 got to.
 12 MR. GOELMAN: Wasn't 13 --
 13 THE EXAMINER: Bates stamp 190202.
 14 MR. BLACKMAN: Right.
 15 THE EXAMINER: 15 is 180811.
 16 A. I have not got that.
 17 MR. BLACKMAN: We now have confusion
 18 because --
 19 MR. GOELMAN: We have two things marked as 13.
 20 MR. BLACKMAN: No. 13 has also been marked 15
 21 for some reason.
 22 A. I don't have your 15.
 23 MR. BLACKMAN: The other 15.
 24 MR. GOELMAN: The real 15 is 180811.
 25 MR. BLACKMAN: Why don't we get rid of the

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1 MR. BLACKMAN: Objection, form of the
2 question. Vague as to what "legitimate" means. You can
3 answer.
4 A. The reputational risk would be more about
5 if you left it open; that would be the more likely
6 reputational risk you would be concerned about.
7 Q. This says "the reputational risk of
8 closure"?
9 A. This is very unusual. I was not aware of
10 this, but the fact is that I am not aware of this coming
11 up hardly at all.
12 Q. So in your experience reputational risk
13 militates in favor of closure, not in favor of keeping
14 an account open?
15 A. What I am saying is when you are
16 considering whether to close an account, the
17 reputational risk is normally around keeping it open,
18 not what is the reputational risk if you close it.
19 There are some instances where that happens, like
20 [REDACTED] for instance, whichever way
21 you go you have got a reputational risk.
22 Q. What is [REDACTED]
23 A. Knew you were going to ask that.
24 Q. Sorry.
25 A. [REDACTED]

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1 Q. It is an animal cruelty issue?
2 A. Yes. So if you keep the account open
3 because they are not doing anything wrong, you have got
4 all the demonstrators trying to get other people to
5 boycott banking with you, et cetera, et cetera, whereas,
6 if you close it, the customer has not done anything
7 wrong, he is within the law, but is it ethically right,
8 and a whole bunch of other customers saying: "We don't
9 want to bank with you." You cannot win whichever way
10 you go, unless you have got, you know, a policy that you
11 are public about.
12 Q. So in terms of terror financing, were you
13 ever part of or ever aware of any discussions in the
14 bank about a reputational risk of "If we close this
15 account because of potential terrorist financing we
16 could be risking reputational damage"?
17 A. To be really clear here, we would never
18 have had that discussion. If we thought terrorist
19 finance was going on, it would have just been closed.
20 It would not have been: "Let's have a think about what
21 the risks are from a reputational point of view."
22 Q. Why is that?
23 A. Because, you know, the terrorist finance,
24 you cannot be doing it anyway, knowingly, and the risks
25 if you do end up doing it are just catastrophic and you

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1 would not want to be involved in it, ethically or
2 reputationally.
3 Q. Okay. So in addition to you would not
4 have done it, you also don't ever remember it being
5 questioned in a terrorist financing case where -- I am
6 sorry, I have to finish my question -- in a case where
7 there is potential terrorist financing, you never
8 remember there being an issue of what are the
9 reputational risks of closure?
10 MR. BLACKMAN: Object to the form of the
11 question because you stuck in, quite deliberately, the
12 word "potential". The witness' testimony was about
13 knowing about terror financing. You have now switched
14 it to "potential", and that is a very different thing,
15 as you well know. So I object to the form of the
16 question, it lacks foundation, it is deliberately
17 misleading. You may answer.
18 A. I think Mr. Blackman made the point I was
19 going to make. If you have got a higher degree of
20 suspicion that it is close to being more positive, then
21 you would not want to be involved. Where your suspicion
22 is very tenuous, then it is more difficult.
23 Q. Okay. Well, is it a legitimate concern --
24 is reputational risk of closure a legitimate concern if
25 your suspicion is tenuous, as opposed to a higher degree

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1 of certainty?
2 A. I want to make sure I have got that the
3 right way, what you are asking me.
4 Q. You distinguished between -- I think Mr.
5 Blackman made the point I was going to make. You said:
6 "If you have got a higher degree of suspicion that is
7 close to being more positive, then you would not want to
8 be involved. Where your suspicion is very tenuous, then
9 it is more difficult". That is what you just testified
10 to. My question is, is reputational risk of closing the
11 account and being accused of some kind of bias, is that
12 a legitimate concern in the second of those two
13 categories, where it is more tenuous?
14 A. It may be, given certain factors. You
15 know, I think you would have to look at it on a case by
16 case basis. What I don't want to do is make
17 a generalization here. Because these type of things can
18 be very different, one case to another, so I think you
19 would have to look at the case on its merits, the risks
20 involved.
21 Q. Let me move away from the "would"
22 question. And I think you may have kind of answered
23 this. I just want to get a kind of clear answer.
24 During your tenure at the bank, whether it was called
25 NatWest or RBS, was there ever an occasion where

EXHIBIT 25 to Declaration of Joel Israel

In The Matter Of:
TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.

IAN WICKENS
Vol. 1
June 23, 2008



Original File 6-23-08 Wickens FINAL.txt
Min-U-Script® with Word Index

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF NEW YORK</p> <p>3 -----x</p> <p>4 TZVI WEISS, et al.,</p> <p>5 Plaintiffs,</p> <p>6 -against-</p> <p>7 NATIONAL WESTMINSTER BANK, PLC,</p> <p>8 Defendant.</p> <p>9 -----x</p> <p>10 NATAN APPLEBAUM, et al.,</p> <p>11 Plaintiffs,</p> <p>12 -against-</p> <p>13 NATIONAL WESTMINSTER BANK, PLC,</p> <p>14 Defendant.</p> <p>15 -----x</p> <p>16 * HIGHLY CONFIDENTIAL *</p> <p>17</p> <p>18 VIDEOTAPED DEPOSITION of IAN WICKENS,</p> <p>19 taken before Cheryll Kerr, a Notary Public</p> <p>20 and a Shorthand Reporter, held at the offices</p> <p>21 of Cleary, Gottlieb, Steen & Hamilton, LLP,</p> <p>22 located at 55 Basinghall Street, London,</p> <p>23 England on Monday, the 23rd day of June,</p> <p>24 2008, at 9:36 a.m.</p> <p>25</p>	<p>1 INDEX</p> <p>2 EXAMINATION BY PAGE</p> <p>3 MR. WERNER 9</p> <p>4 MR. A. FRIEDMAN 256</p> <p>5</p> <p>6</p> <p>7 EXHIBITS</p> <p>8</p> <p>9 WICKENS FOR ID DESCRIPTION PAGE</p> <p>10 No. 1 Document bearing Bates Nos. 142</p> <p>11 NW 017199 through 17204</p> <p>12 No. 2 Document bearing Bates Nos. 146</p> <p>13 NW 16216 through 16228</p> <p>14 No. 3 Document bearing Bates Nos. 147</p> <p>15 NW 1118 through 1337</p> <p>16 No. 4 Document beginning with 164</p> <p>17 Bates No. NW 14014</p> <p>18 No. 5 Document bearing Bates Nos. 158</p> <p>19 NW 8367 through 8373</p> <p>20 No. 6 Document bearing Bates Nos. 164</p> <p>21 NW 8381 through 8398</p> <p>22 No. 7 Document bearing Bates Nos. 166</p> <p>23 NW 13685 through 13686</p> <p>24 No. 8 Document bearing Bates Nos. 235</p> <p>25 NW 8374 through 8378</p> <p>26 No. 9 Document bearing Bates 235</p> <p>27 No. NW 13197</p> <p>28</p> <p>29 (Continued)</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2 KOHN, SWIFT & GRAF, P.C.</p> <p>3 Attorneys for Plaintiff Tzvi Weiss</p> <p>4 One South Broad Street, Suite 2100</p> <p>5 Philadelphia, Pennsylvania 19107-3304</p> <p>6 BY: STEPHEN H. SCHWARTZ, ESQ.</p> <p>7</p> <p>8 SAYLES WERNER, P.C.</p> <p>9 Attorneys for Plaintiff Natan Applebaum</p> <p>10 4400 Renaissance Tower</p> <p>11 1201 Elm Street</p> <p>12 Dallas, Texas 75270</p> <p>13 BY: MARK S. WERNER, ESQ.</p> <p>14</p> <p>15 CLEARY GOTTIEB STEEN & HAMILTON, LLP</p> <p>16 Attorneys for Defendant National</p> <p>17 Westminster Bank, PLC</p> <p>18 One Liberty Plaza</p> <p>19 New York, New York 10006-1470</p> <p>20 BY: LAWRENCE B. FRIEDMAN, ESQ.</p> <p>21 PATRICK SHELDON, ESQ.</p> <p>22</p> <p>23 GLANCY BINKOW & GOLDBERG, LLP</p> <p>24 Attorneys for Plaintiff Tzvi Weiss</p> <p>25 1430 Broadway, Suite 1603</p> <p>26 New York, New York 10018</p> <p>27 BY: ANDREW FRIEDMAN, ESQ. (OF COUNSEL)</p> <p>28</p> <p>29 Also Present: Jackie Sheftali, NatWest;</p> <p>30 Simon Rutson, Videographer</p> <p>31</p> <p>32 *****</p> <p>33</p> <p>34</p> <p>35</p>	<p>1 WICKENS FOR ID DESCRIPTION PAGE</p> <p>2 No. 10 Document bearing Bates 236</p> <p>3 No. NW 13636</p> <p>4 No. 11 Document bearing Bates Nos. 237</p> <p>5 NW 51994 through 51997</p> <p>6 No. 12 Document bearing Bates Nos. 240</p> <p>7 NW 14465 through 14467</p> <p>8 No. 13 Document bearing Bates Nos. 241</p> <p>9 NW 50721, 722, 725, 726</p> <p>10 No. 14 Document bearing Bates Nos. 242</p> <p>11 NW 14468 through 14497</p> <p>12 No. 15 Document bearing Bates Nos. 244</p> <p>13 NW 13969 through 13973</p> <p>14 No. 16 Document bearing Bates Nos. 245</p> <p>15 NW 1082 through 1099</p> <p>16 No. 17 Document bearing Bates 245</p> <p>17 NW No. 8417</p> <p>18 No. 18 Document bearing Bates Nos. 247</p> <p>19 16216 through 16228</p> <p>20 No. 19 Document bearing Bates Nos. 248</p> <p>21 16216 through 16228</p> <p>22 No. 20 Document bearing Bates 250</p> <p>23 No. 13659</p> <p>24 No. 21 Document bearing Bates Nos. 251</p> <p>25 NW 12965 through 12966</p> <p>26 No. 22 Document bearing Bates 251</p> <p>27 No. NW 12976</p> <p>28 No. 23 Document bearing Bates Nos. 252</p> <p>29 NW 17217 through 17218</p> <p>30</p> <p>31 (Continued)</p>

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1	WICKENS				1	THE VIDEOGRAPHER: This is the			
2	FOR ID	DESCRIPTION	PAGE		2	beginning of Tape 1, Volume 1, in the			
3	No. 24	Document	254		3	deposition of Mr. Ian Wickens, taken on			
4	No. 25	Document bearing Bates Nos.	190		4	the 23rd of June, year 2008, at 9:36 a.m.,			
5	No. 26	Document bearing Bates Nos.	294		5	as indicated on the video screen.			
6		NW 051984 through 052010			6	This deposition is being taken in the			
7	No. 27	Document bearing Bates Nos.	300		7	matter of Tzvi Weiss, et al., versus			
8	No. 28	Document regarding Knowing	302		8	National Westminster Bank PLC, Civil			
9		Your Customer			9	Action No. 05-CV 4622 (CPS) and (KAM),			
10	No. 29	Document bearing Bates Nos.	306		10	also being heard in the matter of Natan			
11	No. 30	Document bearing Bates Nos.	308		11	Applebaum, et al., versus National			
12		NW 000149 through 000232			12	Westminster Bank PLC, Civil Action			
13	No. 31	Document regarding the	312		13	No. 07-CV 916 (CPS) (KAM), being held in			
14	No. 32	intelligence and probation team			14	the United States District Court, Eastern			
15	No. 33	Document regarding money	320		15	District of New York, the office -- the			
16		laundering			16	deposition is taking place at the offices			
17	No. 34	Contacts list	320		17	of Cleary Gottlieb in London, England.			
18	No. 35	Document bearing Bates	322		18	The court reporter is Cheryl Kerr.			
19		NW 000337			19	The videographer is Simon Rutson, both			
20	No. 36	Document bearing Bates Nos.	329		20	from European Deposition Services.			
21		NW 000147 to 000148			21	Would counsel please introduce			
22					22	themselves?			
23					23	MR. WERBNER: My name is Mark Werbner			
24	(Continued)				24	from the Dallas, Texas law firm of Sayles			
25					25	Werbner. My firm and I are representing a			
HIGHLY CONFIDENTIAL				Page 6	HIGHLY CONFIDENTIAL				Page 8
1		REQUESTS FOR INFORMATION			1	group of the plaintiffs in the Applebaum			
2					2	versus NatWest case.			
3	DESCRIPTION		PAGE		3	MR. SCHWARTZ: My name is Steven			
4	Color computer screen prints for		178		4	Schwartz from the law firm of Kohn,			
5	Goalkeeper documents				5	Swift & Graf, in Philadelphia,			
6	Supporting glossary for the UID		180		6	Pennsylvania. We represent the Weiss			
7	system				7	group of plaintiffs.			
8	UID system documents from linked		182		8	MR. A. FRIEDMAN: My name is Andrew			
9	cases, if not previously produced				9	Friedman. I'm with Glancy, Binkow &			
10					10	Goldberg, New York -- 430 Park Avenue, New			
11	*****	*****	*****		11	York, New York, and I am also of counsel			
12					12	for the Weiss plaintiffs.			
13					13	MR. L. FRIEDMAN: Lawrence Friedman			
14					14	from Cleary, Gottlieb, Steven, Hamilton,			
15					15	on behalf of defendant National			
16					16	Westminster Bank.			
17					17	THE VIDEOGRAPHER: Thank you. Would			
18					18	the court reporter like to swear in the			
19					19	deponent, please?			
20					20	MR. L. FRIEDMAN: Let me note that			
21					21	with me is my colleague Patrick Sheldon,			
22					22	also from Cleary Gottlieb, and Jackie			
23					23	Sheftali, who is internal counsel at			
24					24	National Westminster Bank.			
25					25	I A N W I C K E N S ,			

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1 sort of top-level documents and built into
2 the local procedures manuals, business
3 requirements manuals, whatever they called
4 them in the businesses across the group.
5 Principally, ones -- ones in the UK, based
6 closely on ones outside the UK following
7 the headline principles, but then, of
8 course, subject to their own local laws
9 and regulations, which they must obviously
10 obey to the letter within their own
11 jurisdictions.

12 BY MR. WERNER:

13 Q. What is the difference or interplay
14 between anti-money laundering and anti-terror
15 financing, as you have come to understand it in the
16 work you do with the bank?

17 A. For a long time, they were coterminous,
18 really, because the approach we adopted to the
19 reporting of suspicion was the same. The tools
20 within the various bits of legislation in terms of
21 what was available to law enforcement to come to us
22 with various types of law to say we need this, this.
23 What act it was under was almost immaterial.

24 We just -- they were very similar powers and
25 produced the same sort of responses. Subsequently,

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1 of course, you've got a growing sanctions regime,
2 which didn't always necessarily have to do with
3 terrorism, but nevertheless has to some extent, and
4 that evolved independently, because initially it had
5 nothing to do with money laundering directly,
6 because it could have been for other reasons, and
7 generally was.

8 But increasingly after what, 2001, you find
9 those sort of impositions by way of sanctions lists,
10 you know, names you have got to search, and it's
11 coming more and more into -- into the picture.

12 Sort of sitting alongside and complimentary to
13 the existing body of legislation on anti-money
14 laundering and combatting terror -- terrorist
15 financing insofar as they are all sort of meshed
16 together as sort of money laundering issue.

17 Q. How long has it been true at NatWest Bank
18 that the personal staff have a duty to report to
19 your office any suspicions they have about terror
20 financing or money laundering or other criminal
21 activity?

22 MR. L. FRIEDMAN: Could you read that
23 back, please?
24 (Thereupon, the record was read by
25 the reporter.)

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1 MR. L. FRIEDMAN: Object to the form.
2 THE WITNESS: They have been required
3 to do that ever since that first bit of
4 legislation came in. Not because the
5 legislation explicitly, as I've already
6 said, required it, but because we -- we
7 needed to do it to protect -- to protect
8 them, basically.
9 So it has been around in its earliest
10 forms since 1987. At the time it was
11 restricted to drug trafficking. It picked
12 up wider crime and anti-terrorism or
13 terror financing a bit later on, so the
14 first bit of terrorist legislation was
15 1989.

16 BY MR. WERNER:

17 Q. Would it be fair to say by the year 2000,
18 it was widely known and understood at NatWest that
19 personal staff had a duty to report such suspicions?

20 A. Yes.

21 Q. And would that include relationship
22 managers of customers? Business customers?

23 A. Yes.

24 Q. And these suspicions had to be reported
25 by those staff to the fraud and money laundering

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1 group?

2 MR. L. FRIEDMAN: Object to the form.
3 THE WITNESS: They -- they were
4 reported to the -- to the designated
5 internal function, which for most UK
6 companies in the group was the bank's
7 fraud office.

8 BY MR. WERNER:

9 Q. And were there forms --

10 A. Yes.

11 Q. -- that --

12 MR. L. FRIEDMAN: Let him finish.
13 Let him finish.

14 BY MR. WERNER:

15 Q. Describe in the period of --

16 MR. L. FRIEDMAN: Well, once you
17 finish the question: "There were forms
18 that" --

19 MR. WERNER: Well, you have
20 interrupted me.

21 MR. L. FRIEDMAN: No, no, I didn't.

22 MR. WERNER: Well, you are
23 interrupting me now. Let me state what I
24 was stating --

25 MR. L. FRIEDMAN: Okay.

<p>HIGHLY CONFIDENTIAL Page 45</p> <p>1 A. There's been a series of them. These 2 days there's a vast amount of them out there, but 3 initially, going way back, it was largely the 4 British Bankers Association that mediated these 5 things to a sort of industry-produced video. First 6 one came out in what, '93 time, something like that. 7 Might have been even earlier than that, to be 8 honest. It was revised over time. 9 These days, there's a lot of providers of this 10 type of material. After 2000, I couldn't begin to 11 tell you what different businesses were using, 12 because it was very much down to them what they -- 13 what they chose to employ. To date, there's no 14 obligation to use video at all. You might be using 15 some sort of desktop training package, some 16 computer-based package, may have had video clips in 17 it or may not. 18 You know, there was a lot of -- there's a lot 19 of media out there from which to choose and use, but 20 video's been part of the scene almost since the 21 beginning, certainly since the early '90s, anyway. 22 Q. Has RBS or NatWest produced -- I mean 23 created and disseminated any of its own videos on 24 the subject to the employees? 25 A. Yes, yes. I wasn't personally involved</p>	<p>HIGHLY CONFIDENTIAL Page 47</p> <p>1 function in each of those divisional areas, and 2 sometimes in -- one step down as well. 3 Q. You mentioned earlier that you were no 4 longer in the certain group, and that's why you 5 didn't know what they might be calling something 6 now. I didn't fully understand what you meant. 7 A. Because I have been in a group function 8 since 2001, and we have had a more clearly sort of 9 pyramidal structure (indicating), if I may put it 10 that way, I have been sitting at the bit at the top. 11 There's all these functions underneath us. I 12 mean, our own function is about eight strong, nine 13 strong. That obviously has varied as well over 14 time, but beneath us, you have got within those 15 various divisions anti-money laundering teams, and 16 you know, it funnels down from there again, so 17 there's, you know, a whole -- whole network. 18 So you know, increasingly, I became a bit 19 detached from what was being done at the grass roots 20 in terms of some of these things, and it's a -- it's 21 not to my office that these suspicion reports go, 22 because I am within the sort of policy and issue 23 management, if you like, part of it, what -- what 24 was the sort of compliance sort of things, whereas 25 our operational side in group security and fraud,</p>
<p>HIGHLY CONFIDENTIAL Page 46</p> <p>1 in it, but certainly the retail banking arm produced 2 one, two or three years ago, and I doubt whether 3 that was the first. 4 We produced fraud ones years ago, but we didn't 5 produce our own money laundering one in my time. We 6 used generic industry ones, but certainly there has 7 been internal material produced both in the retail 8 and the corporate unit. 9 Q. Are those maintained in some sort of 10 library? Who is the custodian of that? 11 A. It would be the anti-money laundering 12 function for the particular business area concerned. 13 Q. So is there an anti-money laundering 14 function within a retail banking -- 15 A. Yes. The -- Royal Bank of Scotland is 16 divided into divisions, and it's all evolving again 17 with the merger with ABN Amro Bank, but as it was, 18 we have been split into a number of divisions over 19 recent years, of which retail banking is the major 20 one. Corporate Banking, Ulster Bank Group, Citizens 21 Financial Group, Wealth Management -- you know, 22 constantly reorganize and realign here and there, 23 but basically those -- those would be the principal 24 ones. 25 Then you have got an anti-money laundering</p>	<p>HIGHLY CONFIDENTIAL Page 48</p> <p>1 the successor to the old fraud offices, has 2 continued to be the recipient of the suspicion 3 reports. 4 Q. Who heads that? 5 A. What, at the moment? There's a chap 6 called Mike Smith. He's -- you know, he heads up 7 our rather operational matters as well. 8 Q. Who was before him in that position? 9 A. At the time -- I mean, what, do you want 10 to specify a time here? Because I -- you know, I 11 could give you a whole range of names over a whole 12 range of periods. 13 Q. All right. Why don't you do that, then. 14 A. Well, for years, it's me. And when -- 15 when I was in fraud office, yes, I was what was then 16 described as the -- as the money laundering 17 reporting officer, although that term has changed 18 its meaning, but I was -- I was the person to whom 19 they sent these reports and I had a team of people 20 that were reviewing them. 21 After I left the -- by the time I left fraud 22 office, it had been first group fraud, then group 23 investigations of fraud, and it was a combined 24 operation of the Royal Bank and NatWest after the 25 two banks had come together.</p>

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1 I left there in July 2001, and my successor,
2 bit of an overlap, was Mike Hoseason, who continued
3 in that function of receiving or being the manager
4 responsible for the unit receiving these reports.
5 He carried on doing that for three or four years
6 after that.
7 (Informal discussion held off the
8 record.)
9 THE WITNESS: Mike Hoseason.
10 BY MR. WERNER:
11 Q. Can you spell that?
12 A. Yeah, H-O-S-E-A-S-O-N.
13 And his title changed to head of operations
14 north, because the team that was receiving these
15 reports migrated from London, where it had been, to
16 Edinburgh.
17 Q. That is north?
18 A. It certainly is, yes.
19 Obviously the Royal Bank of Scotland, being a
20 Scottish bank, you know, we have more or less got
21 two head offices. There's one in Edinburgh and one
22 in London, and you find that departments like mine,
23 in group security and fraud, are fairly evenly
24 spread across the two locations (indicating). And,
25 you know, it's a matter of business decision, where

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1 they place a particular function.
2 So this particular one, the report -- suspicion
3 reporting lockers moved from London to Edinburgh,
4 Mike Hoseason becomes head of operations north, and
5 he's rather often on an airplane, as far as I
6 recall, because he lives down here.
7 And then when he -- he was replaced 2-04, 2-05
8 by Tony Ohear, who is part of the Edinburgh setup
9 and is currently part of the central team, so he's
10 no longer involved in it, either. And now after
11 that, it's become part of the bigger operational
12 function.
13 Q. You mentioned AB Amro at some point.
14 What is that institution and how does it relate to
15 NatWest or Royal Bank of Scotland?
16 A. Last year, last year? It's this year,
17 isn't it? The Royal Bank of Scotland Group acquired
18 the ABN Amro, Dutch bank, a very large bank. We are
19 having a lengthy integration process, which we are
20 currently involved in at the moment, and which is
21 likely to see quite a substantial structural change
22 in the way we manage all sorts of things, because
23 they are a rather different type of bank to what we
24 are.
25 Q. Mr. Wickens, if I understood you, you

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1 were the money laundering reporting officer at
2 NatWest up through July 21st of 2000, correct?
3 A. Yep.
4 Q. For how long had you been in that role?
5 A. Since I joined the bank's fraud office
6 in -- in August 1987.
7 I mean, that term, "money laundering reporting
8 officer," wasn't used initially. That came along
9 later and eventually was to be hijacked by the FSA
10 and made to mean something different.
11 But that in effect it meant at the time the
12 person to whom the suspicion reports were submitted
13 and who might well be involved in other anti-money
14 laundering overview activities, which is why the
15 thing started to shift in another direction.
16 Within the regulations, the role was actually
17 referred to as that of the "appropriate person,"
18 which has since been replaced by the expression
19 "nominated officer," so in effect I was the
20 nominated officer in current money for what I then
21 did, yes.
22 Q. When you stopped that function in
23 July 21st, 2000, how many people worked under you
24 reviewing these suspicious transaction reports?
25 A. I had a team of -- I had a team of about

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1 six people, I suppose.
2 I should just add here that actually, we had
3 had a structural change within the department prior
4 to my leaving, and by this time, I didn't actually
5 have any line manager responsibilities. I had been
6 redesignated a consultant, because we started this
7 process of centralizing operational work within the
8 department, and it was one of the triggers to my
9 subsequent departure to group compliance, is that I
10 was actually doing the job which on a day-to-day
11 basis was becoming increasingly divorced from the
12 suspicion reporting process, which was happening
13 under a different line, although they constantly
14 referred to me as the font of knowledge on -- on
15 money laundering generally for opinions on the
16 merits of a particular report and so forth, and I
17 was still -- I was still reviewing reports that we
18 chose not to submit as well, so I had quite a close
19 involvement, but technically, it wasn't my team
20 anymore. That evolved.
21 Q. During that phase that you have just
22 described, who was the team that was actually doing
23 the day-to-day?
24 A. Sorry, during which time?
25 Q. Where you sort of were -- were sort of

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1 But sometimes witness statements went beyond
2 that, because they were required to record matters
3 of our direct interaction with a customer and so on.
4 Not necessarily directly under money laundering
5 legislation, but under other criminal legislation
6 such as the Criminal Act of 1984 or the orders
7 served -- well, notices, as they were technically
8 called, by the Serious Fraud Office and 1987
9 Criminal Justice Act.

10 So you know, there were a variety of situations
11 in which witness statements came into being for use
12 in the judicial process that our team had sight of.

13 Q. Had what of?
14 A. Sight of.

15 Q. Okay. Did the team ever obtain a witness
16 statement from a bank employee in order to help make
17 the decision whether to report a suspicious activity
18 to the NCIS?

19 A. No, that wasn't the purpose of them.
20 That was what that form was for. That was their
21 statement, if you like, that -- that report. But
22 when I say "witness statement," I am talking purely
23 in -- in sort of legal judicial terms that have
24 nothing to do with the internal reporting made by a
25 member of staff.

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1 It was a signed document, they had to put their
2 name on it, so they were the -- the suspicion
3 report, but that was -- that was in no way a legal
4 document of any sort. That was purely information
5 being passed to the center for the center to come to
6 a view on whether it merited disclosure to the
7 national FIU.

8 Q. In the period of 2000 to 2005, who had
9 the authority to make the decision about whether
10 upon receipt of a -- a suspicion report, it was or
11 was not noticed to the NCIS?

12 A. Certainly Mike Hoseason, but I couldn't
13 in that period say to whom otherwise that authority
14 may have been delegated, because I wasn't part of
15 the function by this time.

16 Q. How about from 1995 through 2000? Who
17 had that authority?

18 A. That was me, him, and my other -- the
19 assistant manager that preceded him, Dennis Shepard.

20 Q. Dennis Shepard?

21 A. Yes. I mean, this is -- Dennis was my
22 assistant manager for a number of years in the fraud
23 office, effectively managing the team that did these
24 reports, so he had the interaction. When did he go?
25 He left the bank in about 1999 and was replaced by

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1 Michael Hoseason.

2 Q. How long had Dennis Shepard been your
3 assistant manager?

4 A. About 10 years.

5 Q. From about '89 to '99, roughly?

6 A. Yes, even earlier than that, I think. I
7 think he was on the scene from -- well, no, that's
8 probably about right. It was '88 or '89, anyway.

9 In effect, remember I said that we had -- I had
10 a series of attachments by assistant inspectors who
11 came in to do this work. Well, he was the first
12 established post to replace these, so he became
13 the -- the permanent member of staff, and for a
14 while again it was just him and me, and then
15 gradually the team built up and built up until we
16 had, you know, six or seven people.

17 Q. Who else other than Dennis were among the
18 most senior in your function?

19 MR. L. FRIEDMAN: Object to the form.

20 THE WITNESS: Given that I was
21 involved, it was really only him and me.

22 BY MR. WERBNER:

23 Q. Why did Dennis Shepard leave?

24 A. He -- he chose to take early retirement
25 at the time that NatWest was making a number of

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1 initiatives on that front, and he wasn't the only
2 one. I lost about three members of the team in that
3 time.

4 Q. Who else?

5 A. Steve Akery went, and Susan George.

6 Q. Do you know what Dennis Shepard is doing
7 today? I mean he still living? Is he working? Is
8 he retired?

9 A. I haven't been in touch with him for
10 quite some time. He was doing odd bits of
11 consultancy work on the anti-money laundering front,
12 but that was really several years ago, and I have
13 not seen him just lately.

14 Q. Does -- when you last knew of him, was he
15 living in London or just where?

16 A. Yes, he lives in the London area, or did.

17 Q. Do you know what part of the London area?

18 A. Southeast London.

19 Q. Where would, say, Neil Trantom fit in?

20 A. He was my boss. The fraud function was
21 quite a large one, as I mentioned to you some time
22 ago. When I joined, senior manager of the
23 department was Tony Richardson. He was replaced
24 fairly early on, he retired. Worked with him for
25 about a year. Then he was replaced in 1989 by

<p>HIGHLY CONFIDENTIAL Page 65</p> <p>1 resumed reporting to Steven. 2 Q. Was there a woman or a man named Reavley? 3 A. Sorry, no, that name doesn't mean 4 anything to me at all. 5 Q. Okay. 6 A. Can you spell it? 7 Q. R-E-A-V-L-E-Y. 8 A. No, I have no clue who that is. 9 Q. How about Ollna Leemming? L-E-E-M-I-N-G. 10 A. No. 11 Q. I am going to show you some documents, 12 probably a little bit later, but for now, just sort 13 of getting the general picture. 14 How about Martin Wiltshire? Do you know Martin 15 Wiltshire? 16 A. No, it sort of rings a bell but I 17 can't -- 18 Q. It says on what I am looking at, group 19 investigations and fraud, and that was as of 2002. 20 Ground Floor Regent's House, London. What would 21 be -- 22 A. Oh, well, he's a member, then, of the 23 then group investigations and fraud team after I've 24 gone. I mean, he may already have been there, but I 25 don't know.</p>	<p>HIGHLY CONFIDENTIAL Page 67</p> <p>1 of investigations and fraud function, and they were 2 there for a while until they moved elsewhere. 3 Q. Do you know what -- what would be the 4 Northeast Thames CBC? 5 A. Northeast Thames CBC? 6 Q. Yes. 7 A. That would have been a corporate 8 banking -- banking center -- that's what the CBC 9 stands for -- operating somewhere in North London. 10 In other words, it would have dealt with corporate 11 business for a particular area in North London, but 12 I couldn't tell you exactly where. 13 Q. Do you know a C. MacCulmou? 14 A. I don't, no. 15 Q. Charlotte MacCulmou? 16 A. No. 17 Q. What does it mean when someone is a fraud 18 officer? 19 A. Just a generic job title for somebody 20 working in the department. 21 Q. In which department? 22 A. Well, the group investigations and fraud 23 department, as it was then called. What would now 24 be group security and fraud operations. 25 Q. I see.</p>
<p>HIGHLY CONFIDENTIAL Page 66</p> <p>1 Q. So group investigations and fraud -- 2 would that include the money laundering? 3 A. Well, it included the suspicion reporting 4 bit of it, yes, and that was what I left behind. 5 I moved across to a -- if you like, a policy 6 and overview role, which is what group compliance 7 did as opposed to the nuts and bolts of dealing with 8 the suspicion reports on a day-to-day basis, so that 9 was the bit that I left behind. This chap must have 10 been part of that operational function. 11 Q. And this may be a stupid question, but 12 what is Regent's House? Is that a headquarters -- 13 A. Regent's House is in Islington. It was 14 one of the -- I suppose they still own it. Not 15 sure. It's -- it's one of the Royal Bank of 16 Scotland properties in London, is or was. I'm not 17 sure if we still have it or not. I think we do, and 18 we were relocated there to join the fraud team, 19 fraud anti-money laundering of Royal Bank after the 20 acquisition of NatWest. 21 We had been neighbors in King's Cross, so 22 the -- initially, the Royal Bank of Scotland team 23 came into King's Cross. Couple of months later 24 after space had been available, we all moved down 25 the block to Regent's House as this combined group</p>	<p>HIGHLY CONFIDENTIAL Page 68</p> <p>1 In this deposition, you have been designated to 2 be giving testimony as a representative of NatWest. 3 Do you understand that? 4 A. Yep. 5 Q. What's your educational background? 6 A. My educational background is that I have 7 a degree in modern languages from the University of 8 Bradford, French and German. I did the banking 9 exams, what was the standard set of banking exams, 10 after I joined the bank, so I am also what is 11 described as an ACIB, Associate Chartered Institute 12 of Bankers. 13 That apart, I don't have any formal 14 qualifications, certainly no legal ones or anything 15 like that. 16 Q. Have you, during your many years working 17 with NatWest or the Royal Bank of Scotland, ever had 18 any involvement with an entity called Interpal? 19 A. No, not personally, no. 20 Q. Okay. I mean -- you know that's an issue 21 in this lawsuit? 22 A. Yes. 23 Q. But during your years of employment, that 24 was not an issue that ever came before you? 25 A. No, not to my recollection.</p>

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1 compartments.

2 Sometimes the nature of the untoward

3 activity would jump out at you from the

4 page and it was blindingly obvious what we

5 were looking at, but that was rare. Most

6 of the time you are looking at a pattern

7 of activity that is not consistent or a

8 particular transaction, which is out of

9 kilter from what is expected from that

10 customer.

11 That is the key principle which

12 governs the suspicion reports. This is

13 not what you expect from that customer.

14 You may have no clue whatsoever of what

15 the underlying untoward activity is, if

16 any. Lot of time it's just trying to

17 conceal monies from the tax man or

18 something when we are looking at the cash

19 runs.

20 So you know, we didn't try to

21 pigeonhole things to say oh, this is a

22 terrorist one, so we must do this, that

23 and the other. I mean, we did have quite

24 a lot of reports particularly after Irish

25 atrocities, which tended to raise

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1 awareness again of IRA activity, and where

2 we get all sorts of defensive reports from

3 people simply because they are Irish,

4 basically.

5 It was very difficult for us not to

6 report anything which carried a specific

7 terrorist tag, if it was identified in the

8 report, but very often the quality of

9 those reports was not good. But simply

10 because we would never have wanted to not

11 report something which could have had a

12 terrorist connection, I am afraid an awful

13 lot of very perfectly innocent Irish

14 people got reported simply because a

15 member of staff had -- had developed a

16 concern really for no better reason than

17 that they were Irish and that -- you know,

18 had a bit of money or something. But --

19 so it could be quite crude at times.

20 MR. L. FRIEDMAN: Mark, when it's a

21 convenient time, can we break?

22 MR. WERBNER: Let me ask one

23 question, and I will be happy to break, if

24 that's okay.

25 THE WITNESS: Yeah.

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1 BY MR. WERBNER:

2 Q. Would it be fair to say that there was

3 somewhat inherently of a partnership in NatWest

4 between the people who had the account relationships

5 with the customers and with the -- with the fraud

6 and the anti-money laundering group?

7 MR. L. FRIEDMAN: Object to the form.

8 THE WITNESS: Wait. Partnership, not

9 quite sure that's the word I would use,

10 but yes, clearly we wanted to foster open

11 dialogue. We were working hard -- you

12 know, to build up the culture of awareness

13 to ensure that people knew what they had

14 to do, that they were quick to pick the

15 phone up, that they were very welcome to

16 pick the phone up if they wanted to talk

17 about things before they submitted a

18 written report. You know, we were there

19 to -- to help, so yes, I suppose in that

20 sense, partnership is a perfectly good

21 word, yes.

22 BY MR. WERBNER:

23 Q. Did your group ever initiate

24 investigations to try to determine if there was

25 money laundering or -- or terror financing without

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1 having first gotten a -- a suspicion report?

2 A. Oh, yes.

3 MR. L. FRIEDMAN: Object to the form.

4 THE WITNESS: Information,

5 intelligence, if you like, would come to a

6 department like ours from various sources.

7 You might get a tipoff from another bank.

8 You might get a word to the wise from, you

9 know, a law enforcement officer. You

10 might see something in a newspaper. You

11 know, there could be various things which

12 would trigger you to start digging

13 proactively (indicating) from the center

14 outwards, rather than receiving

15 information inwards.

16 No, we were not limited in our

17 activity to purely what was -- what was

18 obtained from incoming suspicion reports.

19 BY MR. WERBNER:

20 Q. Well, I definitely want to pick up there

21 when we come back from the break. Can you say

22 during your tenure, though, before the break, in

23 general terms, was it 50/50, or 80/20? I mean,

24 the -- the magnitude of investigating because of the

25 receipt from an employee of a suspicious activity

<p>HIGHLY CONFIDENTIAL Page 81</p> <p>1 versus some other thing that triggered?</p> <p>2 A. No --</p> <p>3 MR. L. FRIEDMAN: Object to the form.</p> <p>4 THE WITNESS: -- I couldn't.</p> <p>5 BY MR. WERBNER:</p> <p>6 Q. It was just common at both ways?</p> <p>7 A. It happened quite a bit, that's all I can</p> <p>8 really say, yes.</p> <p>9 MR. WERBNER: Let's take a break,</p> <p>10 then. Thank you.</p> <p>11 THE WITNESS: Okay.</p> <p>12 THE VIDEOGRAPHER: Going off the</p> <p>13 record, 11:14. This is the end of Tape 1,</p> <p>14 Volume 1, in Mr. Ian Wickens' deposition.</p> <p>15 (Recess taken at 11:14 a.m.)</p> <p>16 (Resumed at 11:33.)</p> <p>17 THE VIDEOGRAPHER: This is the</p> <p>18 beginning of Tape 2, Volume 1, in the</p> <p>19 deposition of Mr. Ian Wickens. On the</p> <p>20 record at 11:33.</p> <p>21 BY MR. WERBNER:</p> <p>22 Q. Are you ready to continue, sir?</p> <p>23 A. Yes, I am.</p> <p>24 Q. Is there anything you wanted to add or</p> <p>25 correct from what you've said since the break?</p>	<p>HIGHLY CONFIDENTIAL Page 83</p> <p>1 concerns one of our customers, and we are just</p> <p>2 looking to see whether there's anything that we</p> <p>3 ought to be concerned about.</p> <p>4 It's not an in-depth investigation. We are</p> <p>5 just saying, you know, perhaps we ought to have a</p> <p>6 look at this individual's account.</p> <p>7 Q. Did your team, to your recollection, ever</p> <p>8 initiate an investigation simply on its own or as a</p> <p>9 matter of course without a tip, or without a bank</p> <p>10 calling, or without an activity report?</p> <p>11 MR. L. FRIEDMAN: Object to the form.</p> <p>12 THE WITNESS: Well, I can't say. You</p> <p>13 get these, say, third-party bits of</p> <p>14 information coming to you from whatever</p> <p>15 source.</p> <p>16 I mean, before now I have arrived in</p> <p>17 the office after having seen something in</p> <p>18 the newspaper, saying huh, wondering if</p> <p>19 that's such and such, just making a</p> <p>20 connection between names possibly and</p> <p>21 looking in our own fraud office database</p> <p>22 just to see if we have got a particular</p> <p>23 name, and if so, to just sort of start</p> <p>24 driving one or two inquiries on it.</p> <p>25 You know, we were not an</p>
<p>HIGHLY CONFIDENTIAL Page 82</p> <p>1 A. I don't think so, no.</p> <p>2 Q. Right before the end of the break, you</p> <p>3 made clear to us that the bank may investigate</p> <p>4 something suspicious or potentially suspicious about</p> <p>5 a customer even without necessarily having gotten a</p> <p>6 suspicious activity report from a branch or a</p> <p>7 banking activity, correct?</p> <p>8 MR. L. FRIEDMAN: Object to the form.</p> <p>9 THE WITNESS: Yes, it may happen.</p> <p>10 BY MR. WERBNER:</p> <p>11 Q. You said it could be something stimulated</p> <p>12 by a tip from the police or from another bank or</p> <p>13 even something in the newspaper, correct?</p> <p>14 A. Yep.</p> <p>15 MR. L. FRIEDMAN: Object to the form.</p> <p>16 BY MR. WERBNER:</p> <p>17 Q. What other things can you think of in</p> <p>18 your career that have stimulated such an</p> <p>19 investigation at NatWest of a customer?</p> <p>20 MR. L. FRIEDMAN: Object to the form.</p> <p>21 BY MR. WERBNER:</p> <p>22 Q. Other than what you have already said.</p> <p>23 A. What I have already said probably covers</p> <p>24 it. Essentially, we are saying that -- what I am</p> <p>25 saying is that something has come to us which</p>	<p>HIGHLY CONFIDENTIAL Page 84</p> <p>1 investigative function. I wasn't trying</p> <p>2 to suggest that we are looking for these</p> <p>3 things to start doing some sort of</p> <p>4 in-depth investigation, but if -- if -- if</p> <p>5 something which is potentially untoward</p> <p>6 concerned one of our customers, then at</p> <p>7 the very least, it was useful to know</p> <p>8 about it, and then to make some further</p> <p>9 inquiry, if it appeared appropriate, and</p> <p>10 sometimes it was constrained by time</p> <p>11 considerations and the people available.</p> <p>12 We couldn't be looking at everything all</p> <p>13 the time. I mean, there's too much else</p> <p>14 to do.</p> <p>15 MR. WERBNER: Objection,</p> <p>16 nonresponsive.</p> <p>17 BY MR. WERBNER:</p> <p>18 Q. You mentioned, though, that you might</p> <p>19 look into the fraud office database. What would</p> <p>20 that be?</p> <p>21 A. It was simply the -- the system of record</p> <p>22 on which we recorded the names of the cases that</p> <p>23 came to us, both on the fraud and on the anti-money</p> <p>24 laundering side of things, on the various systems</p> <p>25 over time. Quite a basic system when I first went</p>

<p>HIGHLY CONFIDENTIAL Page 93</p> <p>1 could be determined.</p> <p>2 Q. What -- what did it say, as best you</p> <p>3 remember?</p> <p>4 A. It -- it defined the two categories of</p> <p>5 name that was to be checked for. It then said that</p> <p>6 you -- it gave some indicative criteria of what you</p> <p>7 needed to match against in order to say whether it</p> <p>8 was a true match or not, because it had never been</p> <p>9 defined in any law that we are aware of. It's left</p> <p>10 to the institutions to -- to decide on their own</p> <p>11 initiative what they regard as what's a match and</p> <p>12 how are they will go to check it out.</p> <p>13 But yes, if you get a match according to a</p> <p>14 number of predefined criteria based on name, first</p> <p>15 name or initial, date of birth, that sort of stuff,</p> <p>16 then either discount them completely, because quite</p> <p>17 clearly on further inquiry they were seen not to be</p> <p>18 matches, or there was a middle category which had to</p> <p>19 be recorded -- I think we recorded all these, mind</p> <p>20 you, but the middle category was one which was, you</p> <p>21 know, not conclusively discounted, but where on the</p> <p>22 balance of probability, I think it was not a match,</p> <p>23 and a record had to be kept of those, but no further</p> <p>24 action.</p> <p>25 Then if they were confirmed matches or what</p>	<p>HIGHLY CONFIDENTIAL Page 95</p> <p>1 authorities which could therefore include NCIS and</p> <p>2 other bodies, and indeed including overseas, where</p> <p>3 our local operations would be subject to search</p> <p>4 lists distributed within their own jurisdictions,</p> <p>5 which they would be legally required to check, as in</p> <p>6 the case of our United States subsidiaries were</p> <p>7 being required to check their fact list.</p> <p>8 Q. So let's say as President George Bush or</p> <p>9 the United States Treasury made announcements,</p> <p>10 designations of persons or entities that were viewed</p> <p>11 as terrorist, what mechanism at NatWest was there</p> <p>12 for tracking that and -- and -- and dealing in any</p> <p>13 way with that?</p> <p>14 MR. L. FRIEDMAN: Object to the form.</p> <p>15 THE WITNESS: If the same names got</p> <p>16 into the list published by the Bank of</p> <p>17 England, then obviously we were required</p> <p>18 to act on them. As far as names which</p> <p>19 made it into the OFAC list, then United</p> <p>20 States subsidiaries companies were legally</p> <p>21 bound to take full note -- note of those.</p> <p>22 Otherwise, we were not.</p> <p>23 BY MR. WERNER:</p> <p>24 Q. Well, I am not really asking you for a</p> <p>25 legal opinion. I am -- I am asking what NatWest did</p>
<p>HIGHLY CONFIDENTIAL Page 94</p> <p>1 appeared to be confirmed matches, because even</p> <p>2 though there was sort of gray areas at the margin,</p> <p>3 they were reported to our department and ultimately</p> <p>4 would be reported to the Bank of England, and</p> <p>5 that --</p> <p>6 (Informal discussion held off the</p> <p>7 record.)</p> <p>8 THE WITNESS: These names would be</p> <p>9 reported -- these matches would be</p> <p>10 reported to the Bank of England and</p> <p>11 appropriate instructions sought back.</p> <p>12 BY MR. WERNER:</p> <p>13 Q. What are the defined two categories?</p> <p>14 A. Suspected persons one and two. To be</p> <p>15 honest, I can't remember the fine detail of -- of</p> <p>16 what those categories are.</p> <p>17 Q. Well, can you remember anything about the</p> <p>18 two defined categories?</p> <p>19 A. You know, at the end of the day, the --</p> <p>20 they are the names which we are being asked to</p> <p>21 screen for, whether for financial sanctions</p> <p>22 purposes -- in other words, nonterrorist related,</p> <p>23 and terrorist related.</p> <p>24 Oh, I think what it is, the second category</p> <p>25 involves names which are published by other external</p>	<p>HIGHLY CONFIDENTIAL Page 96</p> <p>1 or didn't do, whether legally obligated or not.</p> <p>2 So with that clarification, my question is</p> <p>3 simply: What did NatWest and the Royal Bank of</p> <p>4 Scotland do, if anything, in regard to persons or</p> <p>5 entities that the United States government</p> <p>6 designated as terrorist?</p> <p>7 MR. L. FRIEDMAN: Mark, I object to</p> <p>8 the form. Can I ask you a clarifying</p> <p>9 question, Mark?</p> <p>10 MR. WERNER: Okay.</p> <p>11 MR. L. FRIEDMAN: I mean, I -- I am</p> <p>12 not sure what you are getting at. You</p> <p>13 might be getting at both things, because</p> <p>14 in the two questions, first you asked what</p> <p>15 did NatWest do, if anything, to learn</p> <p>16 about whether these designations occurred,</p> <p>17 and then the second was, what did NatWest</p> <p>18 do upon those designations.</p> <p>19 Should we break that up? Because I</p> <p>20 think you are asking about the logistics</p> <p>21 of --</p> <p>22 MR. WERNER: Okay. You wanted to</p> <p>23 ask me a question. Is that everything?</p> <p>24 MR. L. FRIEDMAN: No, I am seeking a</p> <p>25 clarification as to what you are asking</p>

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1 about.
 2 MR. WERBNER: Okay. Let me rephrase
 3 the question.
 4 BY MR. WERBNER:
 5 Q. Sir, regardless of what you claim NatWest
 6 was legally obligated to do or not, I simply want to
 7 know as the representative of NatWest what NatWest
 8 did or didn't do, and the first question in that
 9 regard is: What did NatWest do, if anything, to
 10 stay informed about persons and entities that the
 11 United States was designating as terrorist or
 12 involved in terror financing?
 13 A. We screened certain categories of payment
 14 against that list.
 15 Q. What did you screen?
 16 A. We screened Financial Markets and other
 17 Capital Markets payments going from -- going into
 18 New York, basically.
 19 Q. And when did NatWest begin to do that?
 20 A. I think it had been doing it for some
 21 time, since -- since we originally acquired software
 22 in sort of 1997 time to respond to OFAC.
 23 Q. So would it be fair to say that -- and
 24 correct me if I am wrong -- that at least by 1999,
 25 NatWest had and did routinely monitor payments of

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1 its customers where those customers were listed on
 2 the United States OFAC list?
 3 MR. L. FRIEDMAN: Object to the form.
 4 THE WITNESS: For certain limited
 5 purposes, yes.
 6 BY MR. WERBNER:
 7 Q. For what purposes was NatWest doing that
 8 from at least 1999?
 9 A. For this traffic that I've just
 10 mentioned, the -- the -- the Financial Markets
 11 traffic cleared through New York, the payments, in
 12 other words, going through New York.
 13 Q. And what were the nature of those
 14 payments? In dollars?
 15 A. Oh, yes. They are dollars, yes.
 16 Q. So was NatWest monitoring any of its
 17 customers that appeared on the United States OFAC
 18 list, but where they were not engaged in clearing
 19 dollars through the U.S.?
 20 MR. L. FRIEDMAN: Object to the form.
 21 THE WITNESS: Can you -- can you
 22 repeat that again? Because --
 23 BY MR. WERBNER:
 24 Q. Yeah. I am taking it from what you said,
 25 that from '99, at least, if a NatWest customer was

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1 making a payment through New York, because it was a
 2 dollar transaction, then that was the extent that
 3 you did something, but not another way? Just
 4 clarify. I can't --
 5 MR. L. FRIEDMAN: Mark, again, just
 6 so that this testimony is clear, can I
 7 just get you to focus on one point?
 8 MR. WERBNER: Well, let me -- don't
 9 interrupt the questioning. Let me
 10 rephrase.
 11 MR. L. FRIEDMAN: I am trying to --
 12 MR. WERBNER: Let me rephrase.
 13 BY MR. WERBNER:
 14 Q. Sir, explain to me the extent that
 15 NatWest learned of and took action, if any, when it
 16 saw a NatWest customer on the American OFAC list.
 17 A. That's a very sweeping question, isn't
 18 it?
 19 See, I am not as clear -- well, how do I put
 20 this? I don't want to keep repeating myself, but as
 21 I said, we were screening restricted types of
 22 transactions which did not include customer
 23 transactions against the OFAC list where we are
 24 talking about outside the --
 25 Obviously the -- the subsidiaries within the

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1 United States had to obey OFAC requirements to the
 2 letter, because they fell under United States
 3 jurisdiction. Over here, as a prudential matter, we
 4 screened certain types of payments against that
 5 list, which did not include customer payments.
 6 Q. What were the certain types of payments
 7 that it did include?
 8 A. It included this -- the Capital Markets,
 9 Financial Markets type of proprietary traffic, which
 10 was being cleared through New York.
 11 Q. Elaborate what that kind of traffic is.
 12 MR. L. FRIEDMAN: Meaning what
 13 Capital Market, Financial Markets traffic?
 14 Is that what you mean, Mark?
 15 MR. WERBNER: I don't want to be
 16 interrupted.
 17 BY MR. WERBNER:
 18 Q. Go ahead, sir.
 19 A. It's -- I couldn't tell you the details
 20 of the transaction, but basically, it relates to the
 21 various trading activities they are involved in in
 22 their own name, as I understand it.
 23 Q. Can you explain that any better?
 24 A. Not really, because I am in a sort of
 25 area of grayness myself as regards to the nature of

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1 the transactions that -- you know, Financial Markets
 2 undertakes.
 3 But what I am saying, it doesn't include where
 4 a customer comes to you and says basically, transfer
 5 X-amount of money to Y and wherever, then it doesn't
 6 include that type of payment.
 7 But it does include a number of payments
 8 where -- or quite a lot of payments indeed where
 9 they are sort of in-house, if you like, although
 10 they may involve third-party American banks as
 11 counterparties of the transaction, but where
 12 Financial Markets is effectively conducting the
 13 transaction in its own name.
 14 Q. Like through a corresponding account?
 15 A. Well, whether we were -- whether -- yes.
 16 I mean, that -- including those, yes. I mean,
 17 whether they were clearing through our own operation
 18 in New York or through their own -- you know,
 19 whatever they have got there or through another
 20 bank, but nevertheless, you have got at one end
 21 Royal Bank of Scotland Group Financial Markets or
 22 Capital Markets, so they are group functions, they
 23 were the counterparty. They were the actual
 24 transacting party. That's how I, in simple terms,
 25 understand.

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1 Q. Before the acquisition of NatWest by the
 2 Royal Bank of Scotland, how were NatWest and its
 3 customers' dollar transactions cleared in New York?
 4 MR. L. FRIEDMAN: Object to the form.
 5 THE WITNESS: They would have -- I
 6 mean, for a period we had a branch in New
 7 York. NatWest had a branch in New York.
 8 BY MR. WERNER:
 9 Q. What period?
 10 A. I couldn't say. I mean, it was there for
 11 most of my time in NatWest. I can't remember when
 12 it closed.
 13 Q. Well, give me approximately how -- was it
 14 there in '75 when you started?
 15 A. Oh, yes, I think so, yes. It was
 16 there -- it was there through the '70s or part of
 17 the '70s and the '80s, but I can't remember exactly
 18 when it -- it went out of existence.
 19 MR. L. FRIEDMAN: Madam Reporter,
 20 just looking at the LiveNote feed, when
 21 you have reference to Financial Markets or
 22 Capital Markets, that should be
 23 capitalized.
 24 THE WITNESS: '70s, '80s, yes,
 25 possibly into the '90s, but I couldn't

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1 exactly say, so we would have cleared some
 2 transactions through that unit.
 3 BY MR. WERNER:
 4 Q. And after that?
 5 A. After that, I imagine that would have
 6 been done through other correspondent banks, but
 7 Financial Markets had an operation of its own in New
 8 York, part of which came later to be managed out of
 9 London, as I believe. I don't have any detailed
 10 knowledge of that.
 11 Q. What do you mean, Financial Markets had
 12 an operation in New York? You mean the Financial
 13 Markets division of NatWest?
 14 A. Well, Royal Bank of Scotland Group, yes.
 15 Q. Well, before we get to Royal Bank of
 16 Scotland, how -- how did NatWest clear through New
 17 York?
 18 MR. L. FRIEDMAN: Object to the form.
 19 THE WITNESS: I can't really add much
 20 to what I've said, because I am a bit hazy
 21 on the detail here. We had a National
 22 Westminster Bank branch in New York for
 23 whatever period we had it. We had quite a
 24 lot of activity in the United States at
 25 one time in NatWest. We had a subsidiary

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1 bank there, which we sold off at some time
 2 in the late '80s or early '90s, I suppose.
 3 BY MR. WERNER:
 4 Q. What was that subsidiary?
 5 A. That was called National Bank of North
 6 America. We would have had doubtless some sort of
 7 trading or Financial Markets function there, and
 8 certainly that existed and still does. The Royal
 9 Bank Group has a Financial Markets office in New
 10 York. Exactly what it does, I couldn't actually
 11 tell you. It's a, you know, successor to some of
 12 these operations as it existed in the past.
 13 Q. Where is it located?
 14 A. No idea, I'm afraid.
 15 Q. So when you say the Royal Bank of
 16 Scotland has a Capital Markets in New York that's a
 17 successor to some of those operations, what do you
 18 mean?
 19 MR. L. FRIEDMAN: Object to the form.
 20 THE WITNESS: Well, purely that, as
 21 far as I know, we have had a fairly
 22 continuing presence in one form or another
 23 in New York for a good many years. Now,
 24 whether it's actually continuous, I
 25 couldn't say, and I'm quite sure that the

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1 needed spelling out, but I cannot remember specific,
2 if you like, upfront due diligence guidance, because
3 it just didn't exist at that time in that sort of
4 way. That -- at least that I can remember.

5 Q. Who was involved in the 1993, 1995 time
6 frame at NatWest related to alertness of -- of
7 avoiding giving customer services that might be IRA
8 fundraising?

9 MR. L. FRIEDMAN: Object to the form.

10 THE WITNESS: I cannot elaborate,
11 really, on what I have said before. There
12 was a general awareness. If we got
13 specific leads within our office which we
14 needed to follow up, then obviously we
15 did. We had an extremely close working
16 relationship with Special Branch, and
17 that -- these -- these cases took their
18 course.

19 BY MR. WERBNER:

20 Q. And when you say Special Branch, that's
21 part of the national police or the Metropolitan
22 police?

23 A. It's part -- it's not -- I don't think
24 it's purely part of the Metropolitan police, but
25 Metropolitan police have by far the largest

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1 NatWest, correct?

2 MR. L. FRIEDMAN: Object to form.

3 THE WITNESS: Yes. Well...

4 BY MR. WERBNER:

5 Q. I mean, you don't have any quarrel with
6 what I just said, do you?

7 A. Not particularly. It's a generalization,
8 but yeah.

9 Q. So what I am -- what I am driving at is
10 to the degree, from your experience, that NatWest --
11 what would they be looking at to -- to -- to try to
12 protect the bank and the public and guard against a
13 terrorist group like the IRA from using bank
14 accounts, if it's not to be looking for the name
15 IRA, what -- what tools does the bank use to -- to
16 be vigilant about that?

17 A. I come back to what I said earlier, that
18 we don't, you know, compartmentalize suspicion. You
19 know, the general level of awareness was good
20 amongst staff in relation to --

21 Q. To what, the general level --

22 MR. L. FRIEDMAN: Let him finish.
23 Let him finish, please.

24 THE WITNESS: In relation to IRA
25 activity, and therefore suspicion reports

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1 contingent, but the Special Branch offices I think
2 is assigned to Special Forces as well, but my memory
3 is rusty on that, the way they are organized, but it
4 was a new Scotland Yard based unit that was -- if
5 you like, predecessor of the current anti-terrorism
6 law enforcement agencies.

7 Q. And no offense, but sort of like counter-
8 terrorism within the FBI?

9 A. I wouldn't be able to --

10 MR. L. FRIEDMAN: Object to form.

11 THE WITNESS: -- be able to make the
12 comparison.

13 BY MR. WERBNER:

14 Q. So --

15 A. Possibly.

16 Q. -- now, you know from your experience of
17 so many years against money -- anti-money
18 laundering, that someone isn't going to walk into a
19 NatWest branch to open an account in the name of the
20 IRA, the Irish Republican Army, correct?

21 A. No.

22 Q. I mean, the way that criminals, including
23 criminal terrorists -- they would understand that
24 they need to disguise their identity if they are
25 going to do business with a legitimate bank like

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1 were received from staff which quite often
2 made reference to -- well, a very
3 half-formed suspicion that there might be
4 some Irish terrorist element involvement
5 to it.

6 As I have said before in this
7 testimony, these are fairly often
8 half-baked, these reports, because they
9 were often on the back of the latest
10 atrocity, and, you know, really based on
11 little more than the subjects were -- were
12 Irish or had done something which, you
13 know, could just in a pinch be regarded as
14 suspicious.

15 But you know, there was no -- the IRA
16 were very good at covering their tracks,
17 as you say. They wouldn't open accounts
18 in that way, and they operated in all --
19 in all the classic laundering methods of
20 operating through companies and -- and
21 various means of activity, probably some
22 of it not even through the banking sector.

23 BY MR. WERBNER:

24 Q. Well, what are the classic ways that --
25 that -- that terrorists and other criminals would --

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1 would get the benefits of banking services without
2 disclosing who they really were?
3 MR. L. FRIEDMAN: Object to the form.
4 THE WITNESS: Some of them -- some of
5 it is other types of crime, pure and
6 simple. I mean, I think -- you know,
7 terrorism, including Irish terrorists,
8 have, you know, made quite a bit of --
9 quite a lot of use of card frauds, for
10 example, as a fund raising technique.
11 Other types of fraud like mortgage fraud,
12 in that these things are pretty well
13 undetectable as being specifically related
14 to terrorism. They are just
15 run-of-the-mill frauds that banks suffer
16 all the time, that they protect themselves
17 as best they can, but the profits of which
18 may well be diverted into terrorist
19 enterprises.
20 BY MR. WERBNER:
21 Q. Well, just list for me all the classic
22 money laundering methods to disguise that you know
23 as a banker at NatWest in that field.
24 A. Well, money laundering classically, of
25 course, has been defined in terms of three stages:

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1 cash-intensive business like bars, take-a-ways and
2 launderettes, literally, and in a whole range of
3 cash-intensive businesses. Those are the sort of
4 classic techniques.
5 Q. And not only is it done to conceal money
6 that's derived from criminal activity, but money
7 that's used to support criminal activity, correct?
8 A. Yes. Yes.
9 Q. Is it your knowledge as a representative
10 of NatWest that those that are engaged in criminal
11 conduct, including terrorism, would -- would
12 disguise it through the use of phony or front
13 organizations or entities?
14 MR. L. FRIEDMAN: Object to the form.
15 THE WITNESS: Classically, that is
16 part of the very thing I have just been
17 talking about, but actually spotting where
18 that is the case, you might get, again,
19 one of the two red flags, like the fact
20 that companies are registered in rather
21 bizarre, exotic places, all that sort of
22 thing. But yes, front companies
23 obviously, opaque corporate structures of
24 one sort or another, are all part of the
25 machinery.

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1 Placement, layering and integration. It's like
2 oversimplification -- you know, but it's best to
3 cover all the range of activity that launderers get
4 into, whereby placement, the first stage is getting
5 money into the financial system usually by means of
6 cash deposit.
7 Having gotten money into the system, you then
8 swish it around a bit by what's known as layering
9 techniques, which is, you know, reinvesting the
10 funds in other forms of an instrument or doing lots
11 of money transfers all over the place to -- to hide
12 the trail. Generally confuse the picture.
13 Then the final stage of integration whereby the
14 money, which has been diffused in this way, is --
15 then reenters the legitimate economy by what appears
16 to be -- by putting it into a business, which may be
17 a perfectly legitimate business, but perhaps which
18 has a large cash turnover. We are back to pizza
19 parlors and where the whole laundering thing comes
20 from in the first place.
21 You know, it's the ability then to intermingle
22 funds which have been obtained from criminal sources
23 with the legitimate funds of an enterprise, which
24 makes it all more easier for the outfit with a lot
25 of cash involved in that, because it's a

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1 BY MR. WERBNER:
2 Q. Yes. Now, certainly taking again, just
3 as an example, the Irish republican Army, you can't
4 as a bank say that everyone that's Irish or everyone
5 that's Catholic or everyone that lives in Ireland --
6 you can't stereotype and -- and simply turn that
7 into something to take action on, agreed?
8 A. Yeah, self-evident, yeah.
9 Q. Now -- but would it be fair that those
10 may be factors along with other things that -- that
11 could add up to a red flag?
12 For example, if you have a lot of cash or
13 unusual movements plus you have it being sent to
14 Belfast and -- and maybe in an unusual way? You
15 follow my distinction?
16 A. Yes.
17 MR. L. FRIEDMAN: Object to the form.
18 THE WITNESS: And you are right to
19 imply there the cumulative nature of
20 suspicion. It's a buildup of factors in
21 which -- you know, there's a number of
22 pieces to the jigsaw, and you may be
23 adding two and two together and getting
24 five. You probably quite often are. But,
25 you know, cumulatively these things will

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1 come to a point where you think it's --
 2 it's worth at least reporting.
 3 BY MR. WERBNER:
 4 Q. Within your field at NatWest, when
 5 suspicion is aroused about a customer, and let's
 6 keep as an example, the IRA. Let's say that one of
 7 the bank people or -- or some other thing has
 8 focused some suspicion on a -- you know, John
 9 O'Riley, who is an account holder.
 10 Would NatWest, as you called it earlier,
 11 digging -- digging into it, look at where John
 12 O'Riley was sending money to -- to try to see if
 13 that reduces its suspicion or heighten its
 14 suspicion?
 15 MR. L. FRIEDMAN: Object to the form.
 16 THE WITNESS: That's the purpose of
 17 making such inquiries, is to try and sort
 18 of flush out the picture a bit to see
 19 whether objectively then you would arrive
 20 at a conclusion that this is something
 21 that ought to be reported. We are still
 22 not, of course, certain --
 23 BY MR. WERBNER:
 24 Q. Right.
 25 A. -- of knowledge actually there is

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1 something untoward there or not, but you -- you
 2 arrive at a balanced conclusion as a result of those
 3 inquiries that you make, to the extent you make
 4 them, to say I will or I will not now take this any
 5 further.
 6 Q. And so did NatWest routinely do that, at
 7 least during the '90s and before, and after?
 8 MR. L. FRIEDMAN: Object to the form.
 9 THE WITNESS: Well, in the context of
 10 suspicion reports coming in, there was
 11 always -- or nearly always, anyway, and
 12 that's the thing, to say well presented,
 13 that there's nothing more that needed to
 14 be done. There was usually a degree of
 15 further digging, inquiry, you know. We
 16 are not talking about investigating down
 17 to the last degree.
 18 We are talking about just making
 19 those basic inquiries that were readily
 20 available to us from desktop to search,
 21 and from, you know, what could be
 22 ascertained about the -- the customer or
 23 his contacts, the transactions he had been
 24 making to form that view as to whether
 25 there was something we were concerned

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1 about or not.
 2 BY MR. WERBNER:
 3 Q. You certainly at NatWest didn't merely
 4 rely upon a question to the customer, like in my
 5 example, John O'Riley, hey, are you sending money to
 6 the IRA? That's not the approach that your
 7 institution took?
 8 MR. L. FRIEDMAN: Object to the form.
 9 THE WITNESS: Generally speaking, for
 10 almost obvious reasons, you wouldn't ask
 11 that sort of question. There is also the
 12 issue that within the law, we have
 13 something called tipping off, which would
 14 actually be quite a serious restraint on
 15 staff the way they phrased a question like
 16 that.
 17 That said, we have always made the
 18 point that it is possible to ask questions
 19 of a customer in order to improve the due
 20 diligence on that customer without it
 21 being said in an accusatory way or one
 22 that implied that we did actually suspect
 23 them of money laundering. Of course, such
 24 are conversations that are not so easy
 25 frontline staff to have, but --

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1 BY MR. WERBNER:
 2 Q. Why not?
 3 A. It depends on the circumstances. I mean,
 4 that material I wrote, you know, years ago had in it
 5 if you've got the opportunity and you can clarify
 6 with the customer, you know, why he is undertaking a
 7 particular transaction, there's no reason why you
 8 shouldn't do that. You don't have to -- and sort of
 9 being terrified of tipping off in that sort of
 10 circumstance.
 11 But even so, you are still asking a sort of lot
 12 of frontline staff to -- to know the way to approach
 13 what they might consider to be a bit of an awkward
 14 situation, and they just prefer to sort of take note
 15 of what they are hearing and seeing and report it up
 16 and let the center take it from there.
 17 Q. If, in my example is Mr. O'Riley is -- is
 18 suspected, but not really -- you know, more than
 19 that, to be supporting Irish terrorism -- I mean,
 20 and let's say large amounts of money are going to --
 21 you know, the Irish Brotherhood in Belfast.
 22 I mean, would it have been something that
 23 NatWest in your division would have dug in and --
 24 and sought to determine what is the Irish
 25 Brotherhood in Belfast all about?

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1 MR. L. FRIEDMAN: Object to the form.
 2 THE WITNESS: No.
 3 BY MR. WERBNER:
 4 Q. Why not?
 5 A. Because that's not our job. That's the
 6 job of law enforcement. We only take the thing so
 7 far.
 8 Q. How far do you take it?
 9 A. We take it to a point where we decide,
 10 are we sufficiently concerned about this to make a
 11 suspicion report to -- disclosure to NCIS, and it is
 12 then down to NCIS in conjunction with the
 13 appropriate law enforcement agency to dig into it
 14 further if they are disposed to do so.
 15 Q. Well, does NatWest ever cease providing
 16 financial services? For example, freeze an account
 17 based on suspicion that it has, without having been
 18 ordered to do so by British law enforcement?
 19 A. Occasionally, but it if --
 20 MR. L. FRIEDMAN: Can you read that
 21 back, please?
 22 (Thereupon, the record was read back
 23 by the reporter.)
 24 MR. WERBNER: By being told to do so
 25 by law enforcement or ordered to do so by

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1 law enforcement.
 2 THE WITNESS: Yes, but not routinely.
 3 BY MR. WERBNER:
 4 Q. Well, whether it's routine or not,
 5 NatWest has done that?
 6 A. We -- yes, we have done it on occasions,
 7 yes.
 8 Q. Is there written material that describes
 9 the circumstance for NatWest to do that on its
 10 suspicion?
 11 A. No. It's case by case on its merits.
 12 Q. Have you personally, during your years at
 13 NatWest or the Royal Bank of Scotland, ever been
 14 involved, in whole or in part, where the bank froze
 15 or stopped providing financial services based on its
 16 suspicion, even prior to receipt of a court order?
 17 MR. L. FRIEDMAN: Object to the form.
 18 THE WITNESS: Yes, I did say on a
 19 number of occasions, as it happened more
 20 wearing my advanced fee fraud hat than my
 21 anti-money laundering hat, but the two
 22 sort of come together at a point.
 23 BY MR. WERBNER:
 24 Q. But you and the institution as a whole
 25 have that authority and power, correct?

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1 MR. L. FRIEDMAN: Object to the form.
 2 THE WITNESS: Not exactly. We are
 3 taking a big risk doing that. If you
 4 freeze a customer's account without there
 5 being any sort of legal instrument
 6 compelling you to do so, you are -- you
 7 are running the gauntlet, quite frankly,
 8 but occasionally we saw it as the lesser
 9 of two evils in that anti-fraud context
 10 that I mentioned, because of the risk, as
 11 we perceived it and perhaps saw it in a
 12 rather exaggerated way on some occasions.
 13 But being a constructive trustee
 14 where the continuing of handling of -- of
 15 money, of which we were deeply suspicious
 16 of its origin led us on balance to the
 17 conclusion that this -- this money was
 18 going nowhere, and that we would -- we
 19 would stop it and force the account holder
 20 into giving us some sort of explanation.
 21 I mean, to be honest, we didn't ever
 22 do it other than the circumstances where
 23 we knew damn well he wouldn't be able to
 24 come up with a satisfactory explanation,
 25 because the case was hitting you between

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1 the eyes as to what it was all about,
 2 because you have got -- you have got the
 3 incriminating paperwork with it and
 4 everything else.
 5 But these -- these were fairly rare
 6 events, but they did very occasionally
 7 occur.
 8 BY MR. WERBNER:
 9 Q. How many times, and at what point in
 10 time, have you been involved where a bank's account
 11 was frozen temporarily, at least, because of
 12 suspicions without a court order?
 13 MR. L. FRIEDMAN: You mean a
 14 customer's account?
 15 MR. WERBNER: Uh-huh.
 16 MR. L. FRIEDMAN: You said a bank's
 17 account.
 18 MR. WERBNER: Yeah. I meant a
 19 customer account.
 20 THE WITNESS: I personally
 21 intervened, I suppose, in about half a
 22 dozen cases during my time where there was
 23 a significant amount of money involved,
 24 which I was convinced that had been
 25 obtained by fraudulent means, and where

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1 is a reasonable one, yes.
2 Q. And, for example, are you aware as a
3 representative of NatWest that in 2001, 2002, 2003,
4 there was a considerable amount of terrorism and
5 violence in the Palestinian-Israeli conflict?
6 MR. L. FRIEDMAN: Object to the form.
7 THE WITNESS: Yes, could not be
8 unaware of it.
9 BY MR. WERBNER:
10 Q. It was something that was front page
11 news, BBC, CNN, where there were these suicide
12 bombings in Jerusalem, Tel Aviv, Gaza? There -- was
13 obviously known to NatWest about that, periods of
14 violence called the Intifada, is that fair to say?
15 A. We are certainly aware of that part of
16 the world as a trouble hotspot.
17 Q. In particular, in 2001 and '02 and '03,
18 there was a flareup of that kind of contact, wasn't
19 there?
20 MR. L. FRIEDMAN: Object to the form.
21 THE WITNESS: Couldn't put dates on
22 it. It seems to have been going on over a
23 long period.
24 BY MR. WERBNER:
25 Q. Have you ever heard the phrase "the

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1 Intifada" as it related to some periods of violence
2 in Palestine and Israel in 2001 and '2?
3 A. I have heard that term.
4 Q. Yes.
5 What did the Royal Bank of Scotland or NatWest
6 do to be alert that it wasn't providing financial
7 services to any of its customers that might be
8 supporting any of that violence?
9 MR. L. FRIEDMAN: Object to the form.
10 THE WITNESS: There would have been
11 this screening against the official lists,
12 the official watch lists. Beyond that, I
13 mean, I don't know what size customer base
14 we've got from that part of the world. I
15 very much doubt that we have many
16 customers that are actually resident in
17 Palestine. I should think almost none at
18 all.
19 BY MR. WERBNER:
20 Q. It would be very unusual, even for a bank
21 of this size, to have a customer doing a lot of
22 business in that region?
23 MR. L. FRIEDMAN: Object to the form.
24 BY MR. WERBNER:
25 Q. From London?

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1 A. We have customers transacting, yes, we
2 have customers transact all over the world.
3 Q. Well, how usual or unusual would it be to
4 have a customer that sent almost all of its -- its
5 funds to that region of the world?
6 MR. L. FRIEDMAN: Object to the form.
7 THE WITNESS: Well, I imagine it
8 would be unusual, but it might be usual
9 for specific customers.
10 BY MR. WERBNER:
11 Q. Earlier I meant to ask you -- you said
12 something in reference to seeking consent from the
13 NCIS, and you sort of said like well, naturally,
14 they didn't give it.
15 Would you -- I'm not sure I understood. Would
16 you explain what you meant by this sort of
17 expectation that they weren't going to give a
18 consent?
19 A. I was going to mention consent earlier
20 and we got off the point. Consent is part of the
21 fabric of the proceeds of the Crime Legislation Act
22 here, whereby in principle, at least, a bank, having
23 advanced notice of a transaction which hasn't yet
24 happened, and of which it is suspicious, is required
25 to seek consent from NCIS to undertake that

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1 transaction.
2 It -- it was a sort of development of a
3 principle that existed under the earlier law, but
4 operated in a quite different way after 2002 to the
5 way it had in the past. It has been a highly
6 contentious and very difficult area to the extent
7 banks have been lobbying consistently for change in
8 the law over the past four or five years to get it
9 changed to something a bit more workable.
10 But leaving aside all those politics, I will
11 just make the point generally that we in practice go
12 for consent on very, very few cases. And we were
13 even doing it on a case-by-case basis before the
14 Crime Act came in, that on the whole, you go for
15 consent on those transactions where again, you can
16 see from your own inquiry on the face of it are so
17 egregious that almost certainly law enforcement will
18 exercise its right to refuse you the consent to
19 continue, because they want a chance to lay hands on
20 those monies if they possibly can. It gives them
21 a -- a sporting chance to intervene, if you will.
22 It's -- what it's meant to do, to provide a window
23 in which law enforcement can intervene and say oops,
24 no. Thanks, very much, we don't want that money
25 going anywhere. Thanks. But it -- it only happens

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1 in a very small number of cases in reality.
 2 Q. A bank's job is not to be law
 3 enforcement, agreed?
 4 A. Exactly, yes.
 5 Q. But it's not up to law enforcement to do
 6 the bank's job either, insofar as deciding who its
 7 customers are, correct?
 8 A. No, yeah.
 9 Q. Did those half dozen times or so that you
 10 felt that, based on the risk, you should freeze a
 11 customer's account, did you ask law enforcement for
 12 their opinion before you did that?
 13 A. All those cases were prior to this
 14 existing consent regime, and it tended not to work
 15 in quite the same way. I did make reports to NCIS
 16 on those particular cases, yes, but usually after we
 17 had taken the step of stopping the account.
 18 MR. WERBNER: Objection,
 19 nonresponsive.
 20 BY MR. WERBNER:
 21 Q. In the half dozen or so cases that you
 22 can recall where you froze a customer's account --
 23 A. Uh-huh.
 24 Q. -- because of your suspicions, did you
 25 ask law enforcement before you did that whether it

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1 was a good idea for the bank to do that?
 2 A. No.
 3 Q. Let me ask you if you know Ben Norie
 4 (phonetic).
 5 A. Yes.
 6 Q. Who is Ben Norie?
 7 A. He was a contractor working on our team
 8 for two, maybe three periods between roughly 2002
 9 and 2006, I would guess.
 10 Q. When you say "contractor," what does that
 11 mean?
 12 A. Well, he worked on the permanent staff of
 13 the bank. He was employed as a temp, basically, but
 14 as a fairly long-term temp.
 15 (Thereupon, a document was marked by
 16 the reporter as Wickens Exhibit No. 1 for
 17 identification.)
 18 BY MR. WERBNER:
 19 Q. Let me hand you what I have marked, and I
 20 do have copies for counsel, if you will bear with me
 21 for a moment, but I will like the witness to begin
 22 looking at Wickens Exhibit No. 1.
 23 It's a compilation of some emails that bear the
 24 Bates number -- that's what we call these numbers at
 25 the bottom -- NW 017199 through 17204. I have a

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1 copy of those pages for Mr. Friedman, and I think
 2 enough for Mr. Sheldon as well.
 3 MR. SCHWARTZ: Mr. Schwartz?
 4 (Informal discussion held off the
 5 record.)
 6 BY MR. WERBNER:
 7 Q. You are welcome to look through --
 8 through it, but some of -- it's a whole series of
 9 emails, and really, where I am going is -- is the --
 10 is the -- the last as it appears in the exhibit,
 11 which may be the earliest in time.
 12 But if you will see that on the last two pages,
 13 down at the bottom of the -- of the page with the
 14 Bates number 17203, it looks like in the string of
 15 emails it begins on April 21st, 2004, where Ben
 16 Norie is sending email on the subject of Interpal.
 17 Do you see where I am?
 18 A. Yes, yes.
 19 MR. L. FRIEDMAN: What page are you
 20 on, Mark?
 21 MR. WERBNER: The one that says
 22 17203, at the bottom of that. That's
 23 where --
 24 MR. L. FRIEDMAN: Got it.
 25 MR. WERBNER: -- the first email

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1 starts.
 2 BY MR. WERBNER:
 3 Q. There he says, sir, that -- and I guess
 4 he's addressing Guy Cole, Bill Durham, Tom Sluggen
 5 with a copy to Tom Davies. Do you know any of those
 6 people?
 7 A. Yes, I know them all.
 8 Q. How do you know all of those people?
 9 A. Well, as colleagues broadly within
 10 this -- the anti-money laundering community,
 11 basically.
 12 Q. Uh-huh. When he mentions "You may
 13 remember the matches we have previously reported to
 14 the Bank of England against Interpal and its various
 15 a/k/as, including Education Aid for Palestine,
 16 Palestinians Relief and Development Fund, et
 17 cetera."
 18 Do you see that?
 19 A. Yes.
 20 Q. Do you know what matches he's talking
 21 about and when those reports to the Bank of England
 22 occurred?
 23 MR. L. FRIEDMAN: Object to the form.
 24 THE WITNESS: No, I am afraid I
 25 don't.

HIGHLY CONFIDENTIAL Page 173

1 Q. So it wasn't a mass market account?

2 A. Not a mass market account.

3 Q. Someone was assigned responsibility to

4 service that account of Interpal, correct?

5 MR. L. FRIEDMAN: Object to the form.

6 THE WITNESS: Yes. I should make the

7 point that relationship management doesn't

8 necessarily mean close and continuous --

9 BY MR. WERBNER:

10 Q. Are you telling me that --

11 MR. L. FRIEDMAN: Let him finish the

12 answer, please.

13 BY MR. WERBNER:

14 Q. Go ahead.

15 A. -- continuous involvement with the

16 account holder. So it's -- you know, there -- there

17 can be degrees of relationship management, and quite

18 often, the portfolio that any given individual

19 relationship manager has means that they won't in

20 practice devote a huge amount of time to the

21 account. Depends upon what the commercial needs of

22 that account are, but in some cases, it will only be

23 an annual overview or something like that.

24 Q. Well, thank you for volunteering that,

25 but do you have any personal knowledge of how

HIGHLY CONFIDENTIAL Page 174

1 closely the Interpal accounts were managed by

2 NatWest?

3 MR. L. FRIEDMAN: Object to the form.

4 THE WITNESS: No, I don't.

5 BY MR. WERBNER:

6 Q. Would you expect that one of the larger,

7 more profitable accounts of a relationship manager

8 would be among those that were paid most attention

9 to?

10 MR. L. FRIEDMAN: I object. I also

11 wonder how this is within his designated

12 topics.

13 BY MR. WERBNER:

14 Q. Go ahead.

15 MR. L. FRIEDMAN: I object to the

16 form as well.

17 THE WITNESS: Yes, I am not a

18 marketing manager and that would be for me

19 to speculate. All I would say is that I

20 am sure there are a number of factors

21 which they take into account as to the

22 extent and depth of involvement with any

23 given relationship.

24 BY MR. WERBNER:

25 Q. But as someone that's representing

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1 NatWest here, among other things, on the subject of

2 the bank's anti-money laundering procedures and

3 practices, and someone who volunteered that you

4 don't know how much a various -- or relationship

5 manager might supervise an account, don't you think

6 that account or relationship managers will naturally

7 be quite familiar with those of their customers that

8 are among their largest and most profitable?

9 MR. L. FRIEDMAN: Object to the form.

10 THE WITNESS: It sounds a logical

11 proposition.

12 BY MR. WERBNER:

13 Q. All right.

14 A. But I will certainly say I am sure there

15 are a number of variable factors dependent upon

16 their needs.

17 Q. All right. What is the initials that I

18 see in some of these NatWest documents, CBFM?

19 A. Corporate Banking and Financial Markets.

20 Q. What is -- go ahead.

21 A. That was the name of the division created

22 post-acquisition to cover the larger Corporate

23 Business and the Financial Markets business of the

24 sort that I was briefly alluding to this morning.

25 In other words, the various trading products and

HIGHLY CONFIDENTIAL Page 176

1 Capital Market stuff that they get involved in.

2 Q. When you say "Capital Market," then, is

3 there someone from NatWest or Royal Bank of Scotland

4 from New York so that they can invest the assets of

5 the bank in the New York Stock Exchange, for

6 example?

7 MR. L. FRIEDMAN: Object to the form.

8 THE WITNESS: There is an office of

9 Corporate Banking and Financial Markets in

10 New York. I am not competent to state

11 exactly what its functions are, other than

12 it's an extension of the range of

13 activities that that division of the bank

14 gets involved in.

15 BY MR. WERBNER:

16 Q. Leaving aside that you can't tell me the

17 exact nature, what can you tell me in general?

18 MR. L. FRIEDMAN: Object to the form.

19 THE WITNESS: Well, the business of

20 that division concerns the larger and more

21 significant corporate customers, but they

22 are ranked. I mean, we have got sort of

23 commercial customers at the bottom

24 (indicating), which got to a certain size.

25 You've then got the much bigger

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1 A. Well, quite a range of people. It was --
 2 it was the specific brainchild of a manager called
 3 Chris Hill, who is no longer with the group.
 4 Various people, including myself, who were going to
 5 be users of it, or got the previous system,
 6 obviously had some input into the way it was
 7 structured. I can't really remember.
 8 Fleur Baugh, B-A-U-G-H, was quite involved in
 9 the project work when it was being developed as
 10 well, and there were a lot of divisional
 11 representatives for the -- representing the
 12 potential users of the system who were involved in
 13 the project group when it was being -- not when it
 14 was being initially built, but when this latest
 15 incarnation of it (indicating), or the one sort of
 16 throughout this period, 2000, 2001 time.
 17 That was quite a major development of it as it
 18 previously existed, and it was a project managed in
 19 quite a big way with representation of the divisions
 20 that were going to be users of it.
 21 Q. Was this a program that was developed at
 22 NatWest prior to its acquisition by Royal Bank of
 23 Scotland?
 24 A. Originally, yes.
 25 Q. Okay, and approximately when was it that

HIGHLY CONFIDENTIAL Page 258

1 the system was developed?
 2 A. The very earliest form of it was
 3 developed probably about 1998, but that was a very
 4 simplified system.
 5 Q. And what was the original purpose of
 6 developing that software system?
 7 A. The original purpose was simply to make
 8 available, without a lot of phone calls -- let me
 9 just explain what used to happen. People would ring
 10 me up and say "Have you ever heard of such and such
 11 a party," and I would go to my computer, look it up,
 12 see if we would know it or not, say yes or no, go to
 13 a paper file, fish out the paper file and look to
 14 see what -- what it was all about.
 15 The very first cut of Goalkeeper was designed
 16 as sort of an intranet sort of thing, sitting above
 17 this database (indicating) so that people could
 18 avoid that phone call and at least see whether the
 19 name was known or not. They wouldn't have been able
 20 to get any background information. They would still
 21 have had to come and ask that.
 22 So the subsequent releases of the system were
 23 huge refinements and enhancements on that, whereby,
 24 you know, documents could be scanned in. We got
 25 the -- the system had functionality to make its own

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1 disclosures to -- to NCIS off that system, rather
 2 than by way of separate -- a separately created set
 3 of documents and all that sort of thing.
 4 We had a series of -- you could be a user at
 5 either simple or complex level. If you were a
 6 complex user, then you had very much more access
 7 rights to it than the simple user, who would just be
 8 able to check whether a name was known or not known.
 9 In other words, whether there was a prima facie
 10 match against it or not. The complex users
 11 obviously had to be vetted to make sure they were
 12 acceptable for looking at confidential data in a
 13 system like that.
 14 (Informal discussion held off the
 15 record.)
 16 BY MR. FRIEDMAN:
 17 Q. Were there several separate versions of
 18 the Goalkeeper software?
 19 A. There were -- not so much -- well, yes,
 20 if you say there were successive versions, yes.
 21 There was that very simple one I mentioned. Then
 22 there was sort of a version two. Then this
 23 (indicating) -- when it got to this level of
 24 sophistication, as demonstrated by the documents we
 25 were looking at, where you got all sorts of case

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1 material, the ability to scan material and so forth,
 2 that was the third or fourth.
 3 Q. Okay.
 4 A. Probably the third, yeah.
 5 Q. Well, the brochure that we looked at
 6 earlier -- I don't remember exactly which exhibit it
 7 was. Says Goalkeep -- it's exhibit -- I guess it
 8 was 25.
 9 A. Oh, yes, that's right. Yeah.
 10 Q. It says "Goalkeeper 2." Does that refer
 11 to the second version of Goalkeeper?
 12 A. Yes. In other words, that is the
 13 basically the system (indicating) I think that is
 14 there now. Again, it may have been refined since,
 15 but whereas Goalkeeper 1 was very a simple one, that
 16 may have had some sort very minor enhancement which
 17 didn't change its name from Goalkeeper 1, but
 18 Goalkeeper 2, I am reminded, was that very much more
 19 detailed and sophisticated version that succeeded
 20 the original one in, what, sort of 2000-odd.
 21 Q. So approximately what time frame was
 22 Goalkeeper 2 in -- in use?
 23 A. From about 2000 onwards, I think.
 24 Q. Okay. I did notice at the bottom of a
 25 lot of documents it says "GK3." Is that a reference

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1 to Goalkeeper 3?
2 MR. L. FRIEDMAN: Where do you see
3 that, Andrew?
4 MR. A. FRIEDMAN: On the document --
5 MR. L. FRIEDMAN: On the intranet
6 address.
7 BY MR. FRIEDMAN:
8 Q. Turn to Exhibit 11.
9 At the bottom there, it will say www dot GK3
10 dot web, and then --
11 A. Yes, that is -- yes, I think that's yet
12 the further development of it, but I don't think
13 it's a major departure from the system that this one
14 created (indicating).
15 So if there's a Goalkeeper 3, that's a sort
16 of -- it's this one (indicating) plus a few more
17 bells and whistles or something.
18 Q. Do you know whether there's a similar
19 user guide for Goalkeeper 3 as similar to Exhibit 25
20 where -- the Goalkeeper 2?
21 A. I would have thought there must be,
22 because unless this one still covered everything in
23 the same way, in other words, only enhancements
24 having affected the material that was in here, I
25 would have thought they would have done a new one,

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1 but I answer the question for certain.
2 Q. Do you know approximately when it was
3 that Goalkeeper 3 came about?
4 A. I am losing track here now. No, I can't
5 remember, but I think that's probably -- I have the
6 sense that it's about three years ago.
7 Q. Okay, and do you have an understanding or
8 believe that the Goalkeeper 3 is simply improvement
9 and enhancement of Goalkeeper 2?
10 A. Yes.
11 Q. And do you know whether any of the main
12 provisions of Goalkeeper 2, such as the glossary of
13 terms and the corresponding color system -- has that
14 changed in Goalkeeper 2 to 3?
15 MR. L. FRIEDMAN: Object to form.
16 THE WITNESS: No, I don't believe so,
17 no.
18 BY MR. FRIEDMAN:
19 Q. Could you identify for me the various --
20 let's start back with -- with the early stages in
21 the '90s of -- at NatWest. The various computer
22 software systems that they may have used for -- for
23 the process for identifying customers reporting
24 suspicious activity -- reporting suspicious
25 activity?

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1 MR. L. FRIEDMAN: Objection to the
2 form.
3 THE WITNESS: Originally, there were
4 no designated systems as such in support
5 of the reporting of suspicious activity.
6 It was purely manual, supported by
7 whatever management information tools were
8 available at the time. There was one
9 particular printout, for example, that was
10 produced in NatWest branches --
11 (Informal discussion held off the
12 record.)
13
14 THE WITNESS: -- particular report,
15 management information report called the
16 WE, W-E, 016, which was a daily listing of
17 credits over 5,000 pounds, which was
18 co-opted as a useful tool, to help
19 identify potentially -- help identify
20 large transactions which might be worth a
21 second look, but it wasn't designed to
22 highlight suspicious activities as such.
23 It wasn't until the takeover of
24 NatWest by Royal Bank of Scotland, which
25 was in 2000, that more sophisticated

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1 transaction monitoring software was
2 invested in. Royal Bank of Scotland was
3 blazing the trail on that front. It was
4 the first of the main banks in this
5 country to invest in a substantial system
6 of that sort, supplied from the outside
7 supplier, and it was then upscaled for
8 NatWest as well.
9 BY MR. FRIEDMAN:
10 Q. And do you know the name of the NatWest
11 supplier?
12 A. Yeah, SearchSpace.
13
14 (Informal discussion held off the
15 record.)
16 THE WITNESS: It was called.
17 SearchSpace, all one word.
18 BY MR. FRIEDMAN:
19 Q. And when was the SearchSpace system first
20 developed?
21 A. When was it first developed, or first
22 used?
23 Q. Well, let's start with -- if you know
24 when it was first developed.
25 A. Well, it was being developed for Royal

**EXHIBIT 26 to Declaration of Joel Israel
(Communication with U.K. Government, 1 page)**

This document has been filed Under Seal

EXHIBIT 27 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

TONY O'HEAR

Vol. 1

July 21, 2010



Original File 210710 Tony Ohear.txt

Min-U-Script® with Word Index

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
3 Action No: 05cv4622 (DGT) (MDG)
4 - - - - -
5 TZVI WEISS, et al, Plaintiffs,
6 against
7 NATIONAL WESTMINSTER BANK, PLC.,
8 Defendant.
9 - - - - -
10 NATAN APPLEBAUM, et al., Plaintiffs,
11 against
12 NATIONAL WESTMINSTER BANK, PLC.,
13 Defendant.
14
15
16 VIDEOTAPED DEPOSITION OF TONY O'HEAR
17 Wednesday 21 July 2010
18 At: 10:00 am
19 Taken at:
20 Cleary, Gottlieb, Steen & Hamilton LLP
21 55 Basinghall Street, London
22 United Kingdom
23
24
25

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30 59 Chesson Rd
31 London, W14 9QS
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33 Telephone: 44 (020) 7385 0077
34
35 VIDEOGRAPHER: FLOYD HUMPHREY

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1 THE VIDEOGRAPHER: This is the beginning of
2 tape one, volume one, in the video deposition of
3 Mr. Tony O'Hear, being held at the offices of Cleary,
4 Gottlieb, Steen & Hamilton, 55 Basinghall Street,
5 London.
6 This is being taken on 21 July, 2010, at 10:00
7 am, as indicated on the video screen. In fact, it is
8 10:06 am, as indicated on the video screen.
9 This deposition is being taken in the matter
10 of Tzvi Weiss et al, National Westminster Bank plc,
11 Natan Applebaum versus National Westminster Bank plc et
12 al, case number 05cv4622 (DGT) (MGT), being heard before
13 the New York Eastern District Court.
14 The court reporter is Ailsa Williams of
15 European Deposition Services. The videographer is Floyd
16 Humphrey of European Deposition Services. Would counsel
17 please introduce themselves.
18 MR. UNGAR: Ari Ungar, Osen LLC, Oradell, New
19 Jersey, United States, on behalf of the Weiss
20 plaintiffs.
21 MR. GOELMAN: Aitan Goelman of the law firm
22 Zuckerman Spaeder, Washington D.C, for the Weiss
23 Plaintiffs.
24 MR. LUFT: Avi Luft, Cleary, Gottlieb, Steen &
25 Hamilton LLP, New York office, on behalf of National

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1 Q. You mentioned that you received internal
 2 Suspicious Activity Reports, is that true?
 3 A. Yes.
 4 Q. Can you tell me what that is, what are
 5 Suspicious Activity Reports?
 6 A. Branch staff -- there is a paper based
 7 reporting process where branch staff will report in to
 8 Group Investigations & Fraud, as they were known at the
 9 time, of any particular situation that gives them cause
 10 to suspect that it may involve money laundering.
 11 Q. And when you mention "money laundering",
 12 does that also include terror financing?
 13 A. Yes.
 14 Q. When you mention "any particular situation
 15 that gives them cause to suspect that it may involve
 16 money laundering", is there any written protocol in the
 17 bank for the people in the branch network that would
 18 identify situations that would constitute situations
 19 that should cause them to suspect that there may be
 20 money laundering occurring?
 21 MR. LUFT: Objection, foundation.
 22 A. There are documented policies and
 23 procedures.
 24 Q. Can you tell me what those procedures are,
 25 if you know?

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1 A. I would need to see the documents to give
 2 you the detail there.
 3 Q. What documents are those?
 4 A. For the internal bank policies and
 5 procedures.
 6 Q. You mentioned before that your unit was
 7 responsible for capturing on systems the Suspicious
 8 Activity Reports. Can you tell me what systems you are
 9 referring to?
 10 A. The system was known as Goalkeeper.
 11 Q. We will talk a bit more about Goalkeeper
 12 a little bit later in the deposition. Finally, you said
 13 that it would be your unit that would determine if you
 14 should make reports to law enforcement. Is that
 15 correct?
 16 A. Yes.
 17 Q. What branch or branches of law enforcement
 18 are you referring to?
 19 A. NCIS, now known as SOCA.
 20 Q. Can you tell me what NCIS stands for? Is
 21 it the National Criminal Intelligence Service? Does
 22 that sound right?
 23 A. That sounds right, yes.
 24 Q. The individuals you mentioned before, it
 25 is a little bit hard without the spelling to I think

HIGHLY CONFIDENTIAL Page 19

1 repeat all their names, but Christine Brannigan and the
 2 other individuals you mentioned, they directly reported
 3 to you during that time period, is that correct?
 4 A. Yes.
 5 Q. And did you report to anyone directly in
 6 that time period, between 2002 and 2008?
 7 A. I had a number of line managers during
 8 that timeframe.
 9 Q. Are you able to tell me within that 6-year
 10 period who they were?
 11 A. Initially, it was Mike Hoseason.
 12 Q. I am sorry, can you tell me approximately
 13 when, you know, which supervisor was your supervisor?
 14 A. Yes, again it would only be
 15 approximations.
 16 Q. That is fine.
 17 A. To 2005. Thereafter, Mike Smith to 2008,
 18 and now Stephen Foster.
 19 Q. Did you have regular meetings with the
 20 people that you reported to? Let's start with
 21 Mr. Hoseason.
 22 A. Yes.
 23 Q. About how frequently did you meet with
 24 him?
 25 A. It depends. Face to face or verbally?

HIGHLY CONFIDENTIAL Page 20

1 Q. Let's start face to face.
 2 A. Monthly, as a minimum.
 3 Q. And where did you meet?
 4 A. Edinburgh, in the main Edinburgh office,
 5 where I was based.
 6 Q. And how often did you talk, again
 7 approximately, verbally?
 8 A. Virtually every day.
 9 Q. Was there typically anyone else present
 10 when you met with Mr. Hoseason?
 11 A. Not typically.
 12 Q. Can you tell me the general substance,
 13 speaking generally, the types of conversations you had
 14 with Mr. Hoseason?
 15 MR. LUFT: Objection, vague and ambiguous.
 16 A. I would describe them as typical line
 17 management conversations around team productivity, any
 18 particularly complex cases that I needed advice on,
 19 staff matters.
 20 Q. In your meetings with Mr. Hoseason, did
 21 anyone record what was said at those meetings? Let's
 22 start with the face to face meetings?
 23 A. Not from my recollection.
 24 Q. How about your verbal meetings with
 25 Mr. Hoseason?

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1 A. No.
 2 Q. I assume when you were a manager in the
 3 Group Investigations & Fraud there was no one who was
 4 hierarchically at the same level as you, is that
 5 correct?
 6 A. Not when I started in the unit.
 7 Q. At some point when you were in the unit,
 8 did there come a time when someone was hierarchically at
 9 the same level as you in the unit?
 10 A. Yes, there was.
 11 Q. What time period was that?
 12 A. Again, I couldn't be specific about that.
 13 Q. Could you give me your best approximation?
 14 A. 2004, there was another manager, an
 15 existing member of staff was promoted to manager, so
 16 equivalent to myself at that time.
 17 Q. What is his name?
 18 A. Derek Brand.
 19 Q. Did you have meetings in that period, from
 20 2004 to 2005, while Mr. Hoseason was still your direct
 21 supervisor, the three of you, that is you, Mr. Hoseason
 22 and Derek Brand?
 23 A. Yes, there would have been.
 24 Q. Approximately how frequent were those
 25 meetings?

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1 A. As briefly outlined, exactly the same.
 2 Q. In terms of both verbal and face to face
 3 meetings?
 4 A. Yes.
 5 Q. To your recollection, did anyone record
 6 the substance of those meetings?
 7 A. Not to my recollection.
 8 Q. Then you said from 2005 to 2008 you
 9 reported to Mike Smith, is that correct?
 10 A. Yes.
 11 Q. And did you talk to him about with the
 12 same frequency as you did with Mr. Hoseason?
 13 A. Mike Smith was based in Edinburgh, so the
 14 face to face meetings would have been more frequent, and
 15 there actually was a process of daily short catch-up
 16 meetings, so that the frequency increased.
 17 Q. Did you discuss the same type of things
 18 generally with Mr. Smith as you did with Mr. Hoseason?
 19 A. Generally, yes.
 20 Q. And Mr. Foster, I believe you mentioned
 21 you reported to from 2008 to the present, is that
 22 correct?
 23 A. Yes.
 24 Q. And was the frequency that you had with
 25 Mr. Foster similar to what you had with Mr. Smith?

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1 A. No. Stephen is the Group Head of AML.
 2 I work within the Policy and Advisory section of that
 3 team, so my direct reporting manager is an individual,
 4 Tom Lee, and it would be Tom that I would -- so
 5 I wouldn't directly speak to Stephen on a routine,
 6 regular basis.
 7 Q. About how frequently did you discuss
 8 with -- did you talk to Stephen Foster though?
 9 A. Sorry, could you repeat that?
 10 Q. I understand that you did not have
 11 discussions with Mr. Foster as frequently, because there
 12 was a Tom Lee in between the two of you, is that
 13 correct?
 14 A. Yes.
 15 Q. But about how frequently did you have
 16 discussions with Mr. Foster?
 17 MR. LUFT: You are talking about 2008 to the
 18 present?
 19 MR. UNGAR: Yes.
 20 A. There was no pattern to those discussions.
 21 It would just depend on what work streams I was involved
 22 in. If Stephen had a particular interest or involvement
 23 then that would drive a conversation. There was no
 24 planned regular discussions between me and Stephen.
 25 Q. Have you heard of an entity known as

HIGHLY CONFIDENTIAL Page 24

1 Hamas?
 2 A. Yes.
 3 Q. When did you first hear of Hamas?
 4 A. I couldn't be specific when I became aware
 5 of that organization.
 6 Q. Could you give me your best approximation
 7 of when you first heard of Hamas?
 8 A. 2000.
 9 Q. What did you hear about Hamas at that
 10 time, that is in 2000?
 11 A. Only what I would read in the published
 12 press and its involvement in terrorist activities.
 13 Q. You mentioned the published press. What
 14 published press did you read at that time?
 15 A. It would be the main UK publications, so
 16 for me that would be Glasgow Herald, Daily Record.
 17 Q. With what frequency did you read the
 18 Glasgow Herald at that time, that is around 2000?
 19 A. At least once a week.
 20 Q. And how about the Daily Record?
 21 A. Virtually every day.
 22 Q. And you mentioned Hamas' involvement in
 23 terrorist activities, I believe was your phrase, is that
 24 correct?
 25 A. Yes.

HIGHLY CONFIDENTIAL Page 25

1 Q. Can you elaborate on that, what you read
 2 at that time, that is in 2000, about Hamas' involvement
 3 in terrorist activities?
 4 A. I couldn't be specific.
 5 Q. I understand this is a little while ago so
 6 I am just looking for your best recollection of what you
 7 read.
 8 A. No more, as I say, no more than, you know,
 9 the phrase "Hamas and terrorist activity" was clear
 10 linkage. I couldn't go into any more detail than that.
 11 Q. When you say "clear linkage", what do you
 12 mean?
 13 A. Well, in my own head I had made, from what
 14 I had read, when I had seen, Hamas, I would make that
 15 link to terrorism or potential terrorism activities.
 16 Q. I am trying to understand, that Hamas
 17 perpetrated terrorist activities, is that what you are
 18 saying?
 19 MR. LUFT: Objection, misstates his prior
 20 testimony.
 21 A. That was the suggestion of the articles
 22 that I was reading, yes.
 23 Q. Did you hear anything about Hamas
 24 subsequent to that time in 2000 when you first heard of
 25 Hamas?

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1 A. Nothing specifically, as I say, other than
 2 the ongoing press coverage that I would have been
 3 picking up on, just as routine.
 4 Q. Well, to your knowledge, is Hamas
 5 a Palestinian organization?
 6 MR. LUFT: Objection, foundation.
 7 A. I couldn't answer that.
 8 Q. Do you have any understanding of Hamas'
 9 political goals?
 10 A. No.
 11 Q. None at all?
 12 A. No.
 13 Q. Are you familiar with peace negotiations
 14 that occurred in the 1990s between the Palestinian
 15 authorities and the State of Israel?
 16 MR. LUFT: Objection, vague and over-broad.
 17 A. So I have a recollection of them, yes,
 18 from press coverage and media coverage.
 19 Q. Can you tell me what your recollection is?
 20 A. My basic recollections are clearly there
 21 were civil unrest, war, and that these were the two
 22 parties involved, and there were key issues over
 23 territories in that part of the world. That is how
 24 I would summarize it.
 25 Q. When you say "in that part of the world",

HIGHLY CONFIDENTIAL Page 27

1 are you referring to --
 2 A. The Middle East.
 3 Q. Did you understand Hamas to be opposed to
 4 any type of peace negotiations between the Palestinian
 5 authority and Israel?
 6 MR. LUFT: Objection, foundation.
 7 A. I wouldn't have that detailed
 8 recollection, no.
 9 Q. Do you think you ever knew the answer to
 10 that question? I understand -- I want to make sure I
 11 understand you. You don't remember now. You don't
 12 remember now, do you think that you ever had that
 13 knowledge?
 14 MR. LUFT: Objection, vague and ambiguous.
 15 A. My recollection is that I wouldn't know
 16 that level of detail.
 17 Q. Do you consider Hamas to be a terrorist
 18 organization?
 19 MR. LUFT: Objection.
 20 MR. UNGAR: What is the basis for the
 21 objection?
 22 MR. LUFT: Foundation. He is not an expert
 23 witness. It is beyond the scope of his personal
 24 knowledge and I don't think it is relevant. I don't
 25 want to make speaking objections but if you are going to

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1 ask me I will tell you.
 2 MR. UNGAR: I asked. I appreciate it. You
 3 can answer the question.
 4 A. Can I have the question again.
 5 Q. Do you consider Hamas to be a terrorist
 6 organization?
 7 MR. LUFT: Same objection.
 8 A. I don't have enough information to make
 9 that, to have a view on that, to be honest.
 10 Q. I believe, tell me if -- I don't want to
 11 cite you incorrectly -- that you had read about their
 12 involvement in terrorist activities. I believe those
 13 were your words. Having that access to that knowledge,
 14 if those allegations that you had read in the newspaper
 15 were correct, would you have deemed Hamas a terrorist
 16 organization?
 17 MR. LUFT: Objection, misstates his prior
 18 testimony, calls for speculation and lack of foundation.
 19 A. Yes, if those press reports that I had
 20 read were accurate, then yes.
 21 Q. Did you ever read that Hamas perpetrated
 22 terrorist attacks, including suicide bombings, between
 23 2000 and 2004?
 24 A. Again, I couldn't give you any specifics,
 25 but my recollection is generally that those were the

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1 internal Suspicion Report or any other client, so I
 2 didn't have any specific Interpal responsibilities.
 3 Q. I understand that. Because this case
 4 focuses on Interpal, I will be asking you questions
 5 about that. I understand it might not have been
 6 theoretically different than other clients, in your
 7 mind, as we are discussing it now. In terms of your
 8 exposure to Interpal, what responsibilities did you
 9 have, vis-a-vis that customer?
 10 A. There was a period in time when the
 11 Charity Commission investigation was underway, where the
 12 bank account was frozen, and all the items that were
 13 passing through that bank account had to be authorized
 14 by the Charity Commission, so there was ongoing
 15 communications on a daily basis between the Relationship
 16 Management area for the account, myself within Group
 17 Investigations & Fraud, and the Charities Commission, to
 18 relay the detail of the items that were being presented
 19 for payment and passing through the bank account and, as
 20 I say, get the authorization from the Charities
 21 Commission for those transactions to proceed.
 22 Q. Do you know approximately when those
 23 accounts were frozen?
 24 A. Again, without seeing any of the source
 25 documentation ...

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1 MR. LUFT: You are shaking your head. The
 2 court reporter cannot pick that up, so try to give an
 3 audible response to Mr. Ungar's questions.
 4 Q. You mentioned the Charities Commission.
 5 We are going to talk about that a little bit later, but
 6 can I just ask you now, can you tell me what the
 7 Charities Commission is?
 8 A. The Charities Commission is the regulatory
 9 authority set up to govern and control the registration
 10 of charities within the UK.
 11 Q. Within Group Investigations & Fraud, you
 12 were the point person in terms of the handling of the
 13 Charities Commission investigation, is that correct?
 14 A. For this particular client, yes, that is
 15 fair.
 16 Q. And you had daily communications about
 17 Interpal at this time period when the accounts were
 18 frozen, is that what you said?
 19 A. Correct.
 20 Q. Were there any written sources that
 21 detailed your responsibilities in terms of how to handle
 22 your treatment of Interpal in a situation such as this,
 23 with the accounts being frozen and your being involved
 24 with the Charities Commission?
 25 A. The freezing order was a legal document,

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1 so in terms of whatever requirements were, it was all
 2 outlined within the legally binding document, and in
 3 terms of my involvement, conversations would have all
 4 been captured on the Goalkeeper records.
 5 Q. Did you take any notes apart from the
 6 Goalkeeper records, with regard to those daily
 7 communications about the Interpal accounts, again
 8 talking about the time period when the accounts had been
 9 frozen by the Charities Commission?
 10 A. No.
 11 Q. Do you remember the substance of those
 12 conversations?
 13 A. Simply obtaining information from the
 14 Relationship Management area of the items in question,
 15 so the checks, the amounts involved, who they were
 16 payable to, and simply relaying that information back to
 17 the Charities Commission, getting their response, and
 18 again relaying that back to the relationship management
 19 area to action.
 20 Q. Beyond that conduit role of information,
 21 did you apply any judgment in that area in terms of the
 22 propriety or -- withdraw that. Was there any
 23 application of judgment in this role that you had, being
 24 the point person for Group Investigations & Fraud
 25 vis-a-vis the Charities Commission, or was it merely

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1 serving as a conduit between, as a conduit?
 2 MR. LUFT: Objection, vague, compound.
 3 A. The key role in that particular case was,
 4 as you say, as a conduit. I would add, as a member of
 5 staff, if there had been -- I would have had to comply
 6 with Royal Bank policies and procedures, so therefore if
 7 I was made aware of anything that I personally became
 8 suspicious of then I would have to follow standard bank
 9 processes.
 10 Q. Do you remember being suspicious of
 11 anything at that time period?
 12 A. No, I don't recall any specific
 13 suspicions.
 14 Q. Do you know that the United States
 15 Government designated Interpal as a specially designated
 16 global terrorist?
 17 A. Yes.
 18 Q. How did you learn that?
 19 A. My recollection is that the reason that
 20 the UK Charities Commission had taken the steps it had
 21 was a response to the fact that the entity had been OFAC
 22 listed.
 23 Q. You mentioned OFAC. Do you know what that
 24 acronym stands for?
 25 A. The Office of Foreign Asset Control.

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1 Q. Does that reflect that this is
2 a Goalkeeper case 666814?
3 A. Yes.
4 Q. And was this document prepared in the
5 ordinary course of business?
6 MR. LUFT: Objection, foundation.
7 Q. Were Goalkeeper reports generally prepared
8 in the ordinary course of NatWest or RBS's business?
9 Was it part of their ordinary course of business to
10 prepare these types of reports?
11 A. It is part of Group
12 Investigations & Fraud's remit, on the back of a receipt
13 of an internal Money Laundering Suspicion Report, then
14 it was absolutely standard practice to create
15 a Goalkeeper record.
16 Q. Do you see it says "Created on" towards
17 the top of the page. Do you see that?
18 A. Yes.
19 Q. And it says "17 June 2002", and then it
20 says: "By RBS Mcomcl." Do you see that?
21 A. Yes.
22 Q. Does that mean that this report was
23 created on June 17, 2002?
24 A. That is my understanding of it, yes.
25 Q. Do you know who that is referring to, the

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1 "RBS Mcomcl"?
2 A. No, I don't recognize that user ID.
3 Q. We have established that you last modified
4 this report on September 17, 2003. Is that correct?
5 A. From reading this document, yes, that
6 would be my understanding.
7 Q. Directing your attention towards the
8 bottom of the page in the box that says "Transactions",
9 do you see it says "Date: [REDACTED]"?
10 A. Yes.
11 Q. And that of course refers to [REDACTED]
12 And it says "Amount, [REDACTED]" and then next to it
13 "Currency: [REDACTED]". So does that refer to [REDACTED]
14 [REDACTED] is that right?
15 A. That would be my understanding of it, yes.
16 Q. I want to direct your attention to the
17 next page, NatWest 008382. Do you see at the top it
18 says "Hewitt Ibrahim Brian"?
19 A. Yes.
20 Q. Are you familiar with that name?
21 A. No.
22 Q. And below that "Mustafa E". Are you
23 familiar with that name?
24 A. No.
25 Q. How about the name below that, "Qundil J"?

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1 A. No.
2 Q. Or the name below that, [REDACTED]
3 [REDACTED]?
4 A. No.
5 Q. And lastly the name below that, "Safiee
6 Habibah". Do you know that name?
7 A. No.
8 Q. In the box below that, where it says
9 "Business Data", it says: "Palestinians Relief and
10 Development Fund". Is that right?
11 A. Yes.
12 Q. And that is Interpal, right?
13 A. My understanding is that is another name
14 for Interpal, yes.
15 Q. Across from Palestinians Relief and
16 Development Fund, I see two headings, "Risk" and "ADJ".
17 Do you see that?
18 A. Yes.
19 Q. And in the box below "Risk" it says "Red".
20 Can you tell me, first of all, do you have an
21 understanding of what that refers to?
22 A. My understanding is that that is part of
23 the Goalkeeper system functionality. So when you key in
24 the name, then there is system calibration working in
25 the background that allocates these risk factors, these

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1 risk ratings, call it what you will. My recollection is
2 that that functionality was not in use within the
3 department at that time. I am not even aware that it is
4 in use now. So these were system driven.
5 Q. I am not sure I follow you. Are you
6 saying that during this time period, let's say the
7 timeframe between this Goalkeeper report was created and
8 say when you modified it --
9 A. Yes.
10 Q. Your testimony is that this red indication
11 was not applicable. Is that what you are saying?
12 MR. LUFT: Objection, misstates the prior
13 testimony.
14 Q. I am just trying to understand the
15 testimony. I didn't want to put words in your mouth.
16 Can you maybe just say it a different way?
17 A. My understanding is that you would key in
18 information from the internal Suspicion Report, the
19 system in the background would come up with a risk
20 rating in this box, but in terms of the process at the
21 time, we did not -- we were not making use of that
22 functionality, so it did not play any part in the
23 creation of the case, the assessment of the case.
24 Q. Do you have an understanding of what that
25 red indication meant when it was being used?

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1 MR. LUFT: Objection.
 2 A. My understanding is that it was not used.
 3 Q. Was it ever used?
 4 A. Not as far as I was aware, and certainly
 5 not in the Money Laundering environment.
 6 Q. Do you know why it would be reflected on
 7 this Goalkeeper report if it was not being used?
 8 A. Goalkeeper as a system was used to house
 9 a lot of bank records, over and above money laundering,
 10 so my recollection is that this was a piece of
 11 functionality, and all I can say is it was not used, to
 12 my recollection, within our assessment of money
 13 laundering cases.
 14 Q. And money laundering cases encompassing
 15 terror financing cases?
 16 A. Yes, sorry, yes.
 17 Q. The box next to "Risk", where it says
 18 "ADJ", do you know what that stands for?
 19 A. I don't even know what that stands for.
 20 Q. And that says "Red" below that box also.
 21 Do you know what criteria Goalkeeper used to determine
 22 if there should be a red rating when it was used?
 23 A. No, I have got no recollection of using it
 24 and no understanding how the system arrived at these
 25 classifications.

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1 Q. So when you say that it was not used, do
 2 you mean by that that Goalkeeper did not pay attention
 3 to this red indication?
 4 MR. LUFT: Objection to form and foundation.
 5 Q. When you say that Goalkeeper -- I am
 6 sorry -- withdrawn. When you say that it was not used,
 7 this red indication, for lack of a better word, are you
 8 saying then that Group Investigations & Fraud did not
 9 make use of this indication in terms of how it
 10 characterized the customer that it was describing in the
 11 report?
 12 A. In terms of its assessment for money
 13 laundering and terror financing cases, yes.
 14 Q. It did not take that into account?
 15 A. Yes.
 16 Q. I want to direct your attention to page
 17 NW008384. Maybe the most efficient way to do it is if
 18 you read that to yourself and then I will ask you some
 19 questions. Did you have a chance to review that page?
 20 A. Yes, thanks.
 21 Q. I want to begin by focusing at the bottom
 22 portion of that page, the last few letters, where it
 23 says "TOH". Do you see that at the end of the page?
 24 A. Yes.
 25 Q. To your knowledge, does that stand for

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1 you, Tony O'Hear?
 2 A. Yes.
 3 Q. Is it possible to look at the document and
 4 tell me where the entry that you made that concludes
 5 with TOH begins?
 6 A. From reading this, my recollection would
 7 be that my note would start from "When completing
 8 a further disclosure in this connection".
 9 Q. And the notation five lines from the top,
 10 where it says "GRM 29-05-03", that wouldn't reflect
 11 someone else's entry?
 12 A. No, my understanding would be that is
 13 Group Risk Management, and that is the reference number
 14 for a list of named entities which Group Risk Management
 15 issued from time to time.
 16 Q. So the last entry would begin "When
 17 completing a further disclosure" and would run to the
 18 end of the document?
 19 A. Yes.
 20 Q. Can you tell me when that entry would have
 21 been made?
 22 MR. LUFT: Are you asking for his recollection
 23 or what he can tell from the document?
 24 Q. Does the document indicate to you when you
 25 made that notation?

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1 A. No, it doesn't. Sorry, the system prompt
 2 reflects that I modified it in September 2003. Ideally,
 3 I would see that date on here, but my understanding
 4 would be that that would be the date I would have put
 5 that note on.
 6 Q. On September 17, 2003, that last portion?
 7 A. Yes.
 8 Q. And you write:
 9 "When completing a further disclosure on this
 10 connection," what connection are you referring to, or
 11 were you referring to?
 12 MR. LUFT: Again, asking for his recollection
 13 at the time or what he thinks based on reading this
 14 today?
 15 MR. UNGAR: I am asking at the time.
 16 MR. LUFT: You are asking if he recalls?
 17 Q. Right. To the extent that you are the one
 18 who modified this document and your name appears on it,
 19 I am asking for your recollection going forward, your
 20 recollection of these notes you made.
 21 MR. LUFT: Do you understand he is asking if
 22 you remember, not what you think based on reading,
 23 sitting here today. If he wants that he will ask
 24 a different question.
 25 A. I don't recall. I can't recall that far

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1 Q. Do you know that the Charities Commission
2 investigated Interpal in 1996?
3 A. Yes.
4 Q. Do you know if the Charities Commission
5 froze Interpal's accounts at NatWest during the course
6 of its investigation of Interpal in 1996?
7 A. I have no knowledge of that.
8 Q. Do you know if the Charities Commission
9 investigated Interpal in 2003?
10 A. Yes.
11 Q. To your knowledge, did the Charities
12 Commission publish a report based on its investigation
13 of Interpal?
14 A. It is my understanding they did, yes.
15 Q. Did you ever see that report?
16 A. I don't recall.
17 Q. I am handing the court reporter a document
18 with Bates range NW008430 to NW008439. It will be
19 O'Hear Exhibit 7.
20 (Exhibit O'Hear 7 marked for identification)
21 If you can just take a moment to review the
22 document, and again I will direct you to any particular
23 parts we want to discuss. Have you seen this document
24 before?
25 A. I don't recall having -- I don't recall

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1 that far back.
2 Q. Do you see towards the top where it says:
3 "Last modified on 24 September 2003 by RBS O'Hear"?
4 A. Yes.
5 Q. Does that reflect that you were the last
6 one to modify this report and that that occurred
7 on September 24, 2003?
8 A. Yes I would assume so.
9 Q. And a few lines before that it says:
10 "GK2:710368". Does that reflect that this is Goalkeeper
11 number 710368?
12 A. Yes.
13 Q. Is this the type of document that is
14 created in the ordinary course of RBS's business?
15 A. Yes.
16 Q. Under the middle of that first page 8430,
17 where it says "Reason for suspicion", do you see that it
18 says "Suspected terrorist financing"?
19 A. Yes.
20 Q. And directing your attention below that,
21 do you see the names "Hewitt, Mustafa, Qundil and
22 Safiee"?
23 A. Yes.
24 Q. Do you recall that we saw those names on
25 previous Goalkeeper reports we have talked about today

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1 involving Interpal?
2 A. Yes.
3 Q. I want to direct your attention to
4 page 433. Mr. O'Hear, I see your initials in several
5 places in the text on this page. Is it fair to say that
6 you made the entries on this page?
7 A. Yes, that is fair.
8 Q. When it says "Agreed disclosure
9 27 August 2003," do you recall what you agreed to
10 disclose?
11 A. The contents of this summary and
12 assessment, which is included here, is what I would have
13 been agreeing to disclose.
14 Q. I see. Do you see a reference to a phone
15 call with DS Neil Bennett, NTFIU at Special Branch. Did
16 you make notes of your phone call with Neil Bennett?
17 A. No, all notes would have been captured on
18 the Goalkeeper record.
19 Q. So there wouldn't have been any notes
20 outside of the Goalkeeper record?
21 A. No other records, no.
22 Q. Do you recall if Neil Bennett told you how
23 he was fully aware of the Charities Commission freezing
24 order?
25 A. I don't recall the specifics, no.

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1 Q. [REDACTED]
2 [REDACTED]
3 MR. LUFT: Objection.
4 Q. In connection with Interpal.
5 MR. LUFT: Are you asking if he recalls that
6 or as he is reading it today?
7 Q. Do you recall that information?
8 A. That is my recollection, yes.
9 Q. And do you recall if there were
10 transactions involving Interpal that were greater than
11 10,000 pounds?
12 A. I don't recall that level of detail, no.
13 Q. To your recollection, in your tenure in
14 Group Investigations & Fraud, can you recall another
15 customer who was on the OFAC list besides Interpal?
16 MR. LUFT: Objection, vague.
17 A. I can't recall another similar situation
18 with an OFAC listed entity, no.
19 Q. There is mention towards the middle of the
20 page, "Spoke to Terry Woodley". Do you see that?
21 A. Yes.
22 Q. Do you remember that conversation that you
23 had with Mr. Woodley?
24 A. I don't remember the detail of it. When
25 I see that name now, in the context of the words I am

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1 A. Having read the previous Goalkeeper
2 records, the conversations with the law enforcement
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] so in my role my
8 understanding is I would have communicated that back to
9 the Relationship area, [REDACTED]
10 would have come from, [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 Q. From your experience as a manager in Group
14 Investigations & Fraud, do you think that there could
15 have been a transaction of less than 10,000 pounds that
16 could have constituted a risk for terror financing?
17 MR. LUFT: Objection, foundation, lack of
18 expertise, not calling for personal knowledge.
19 A. I would say yes, there could be
20 transactions below that amount.
21 Q. And that being the case, wouldn't you have
22 been concerned in your capacity, Group
23 Investigations & Fraud, of permitting a transaction of
24 less than 10,000 pounds to occur?
25 MR. LUFT: Objection, mischaracterizes the

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1 prior testimony, lack of foundation.
2 A. [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. The fact that the Charities Commission had
10 [REDACTED]
11 [REDACTED]
12 A. No.
13 Q. I am sorry, the law enforcement --
14 A. Yes.
15 Q. I am sorry. That does not mean that you
16 could not in your capacity have also reviewed lower
17 amounts than that threshold, is that true?
18 MR. LUFT: Objection, mischaracterizes the
19 prior testimony, assumes facts not in evidence.
20 A. I think the phrasing here is, you know, to
21 say that I was only concerned with [REDACTED]
22 this may be being taken out of context. There was
23 [REDACTED]
24 [REDACTED] and I would have
25 conveyed that to the RM. So in terms of satisfying that

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1 particular request, I was only interested in -- that is
2 what the request was. I was not passing any comment on
3 [REDACTED]
4 Q. So the language "he was only concerned"
5 means with regard to that 10,000 pound transaction
6 established by law enforcement. That is what you are
7 saying?
8 A. That very specific request.
9 Q. Directing your attention to the bottom of
10 the page we were looking at, do you recall having any
11 conversations with Sulatha Maroli, listed as someone
12 from the Charities Commission?
13 A. I don't recall the specifics of any
14 conversation.
15 Q. Do you recognize any of those three names
16 listed as I guess being associated with the Charities
17 Commission Sulatha Maroli, Daniel Jeans or Natasha
18 Ayres?
19 A. As I look at it today, no.
20 Q. I am handing the court reporter a document
21 with the Bates range NW013939 to NW013941 and asking
22 that it be marked O'Hear Exhibit 9.
23 (Exhibit O'Hear 9 marked for identification)
24 Mr. O'Hear, if you could just take a moment to
25 familiarize yourself with that.

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1 A. Okay.
2 Q. Have you seen this document before?
3 A. I don't recall until you showed me it
4 today. I don't recall this particular e-mail exchange.
5 Q. You do see your name. Is it fair to say
6 that this is an e-mail chain involving some RBS
7 employees?
8 A. Yes.
9 Q. And is it fair to say that your name
10 appears on several of these e-mails?
11 A. Yes.
12 Q. And you have no reason to believe that you
13 didn't see this document previously?
14 A. Absolutely not, no.
15 Q. If we turn to the page 940 and 941, that
16 would appear to be the first document from
17 a chronological perspective, is that true?
18 A. Yes.
19 Q. And that e-mail is sent by Stephen James
20 Foster, is that right?
21 A. Yes.
22 Q. Do you know who that is?
23 A. Yes.
24 Q. I think we mentioned him earlier, is that
25 right?

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1 A. Yes.
2 Q. In that e-mail, do you see the reference
3 where it says:
4 "FYI, the BoE have written to us acknowledging the
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] We will probably need to reply.
12 Thanks."
13 Do you see that language?
14 A. Yes.
15 Q. Can you tell me what "BoE" stands, for if
16 you know?
17 A. I would suggest that stands for Bank of
18 England.
19 Q. Do you have an understanding of what
20 letter is being referenced there as having been sent to
21 the Bank of England?
22 A. No.
23 Q. Mr. Foster here indicates that the Bank of
24 England [REDACTED]
25 [REDACTED]

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1 [REDACTED] Do you see that?
2 A. Yes.
3 Q. To your knowledge, in your capacity of
4 work at Group Investigations & Fraud, were payments to
5 Hamas permitted before that date?
6 MR. LUFT: Objection, foundation.
7 A. I would have no recollection. I would
8 have no recollection of that prior to that.
9 Q. Do you know if there ever came to be
10 a date that the -- withdrawn.
11 Mr. O'Hear, would the fact that the -- if the
12 Bank of England had not listed Hamas at a certain point
13 in time, would that mean to you, in your capacity of
14 work as a manager of Group Investigations & Fraud, that
15 a transaction was permissible with Hamas?
16 MR. LUFT: Objection, vague, calls for
17 speculation. When you say "listed at some time", do you
18 mean listed as a terrorist organization?
19 MR. UNGAR: Listed on the Bank of England
20 terrorist entities list.
21 MR. LUFT: Same objection, vague and
22 ambiguous.
23 A. As I sit here today, my understanding
24 would be if Hamas was on their list then it would be
25 illegal to permit any transactions. If they were not on

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1 their list then any transaction would be legal. If you
2 are asking me would the bank have permitted that
3 transaction, that wouldn't have been a decision that
4 I would have been involved in.
5 Q. Are you saying that there is no
6 circumstance where you could have been involved in
7 a determination of the propriety of a transaction being
8 processed for Hamas? I want to understand your
9 testimony. Is that what you are saying?
10 A. At that time, unless someone reported
11 a specific transaction into the unit, I would have had
12 no visibility to what transactions were passing through
13 any bank account.
14 Q. "Visibility" means knowledge, awareness?
15 A. Yes.
16 Q. If you did have an awareness of a
17 transaction involving Hamas before this date in late
18 September, when [REDACTED] according to
19 Stephen Foster, [REDACTED]
20 [REDACTED] would you have permitted that
21 transaction to occur?
22 MR. LUFT: Objection, incomplete hypothetical.
23 I have to say something. It does not say that this is
24 the date that the Bank of England said that transactions
25 with Hamas were illegal. Your question is just asking

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1 him to speculate based on facts that are not even in the
2 document. It is just not a fair question.
3 MR. UNGAR: Let me try to clarify that.
4 Before the Bank of England designated Hamas, whenever
5 that date was, whether that was in 2003 or 2004, if you
6 had become aware of a transaction involving Hamas, is it
7 your testimony that you would have permitted that
8 transaction to occur?
9 MR. LUFT: Objection, calls for speculation,
10 incomplete hypothetical, fails to tell him if there are
11 other legal entities that are involved and contradicts
12 his prior testimony that this is not his job. You are
13 asking him, if this was his job, and are there other
14 laws that he should be aware of in this hypothetical,
15 with regard to Hamas.
16 MR. UNGAR: I believe he spoke about
17 visibility and situations where he might have
18 visibility. I am asking --
19 MR. LUFT: No, he said he did not have
20 visibility.
21 MR. UNGAR: Except for a specific situation.
22 MR. LUFT: If you are going to ask him to do
23 this hypothetical you need to tell him if there are any
24 laws. That is what he needs to know, if you are going
25 to ask him for this. I don't want him to give testimony

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1 can certainly look at all of it but my question will pertain
2 to the first page. The videographer has indicated the need
3 to change the tape so let's just change the tape and I am
4 ready to start whenever you are.
5 THE VIDEOGRAPHER: Going off the record at
6 4:41 pm.
7 (A short break)
8 THE VIDEOGRAPHER: This is the beginning of
9 tape 4, volume one in the deposition of Mr. Tony O'Hear.
10 We are back on record at 4:51 pm.
11 MR. UNGAR: I just want to ask you a couple of
12 questions before you turn to Exhibit 10. In O'Hear
13 Exhibit 9, if you pull that up, on page 940, it should
14 be the middle page in the e-mail at the top of the page,
15 where you wrote to Mr. Foster and copy Mr. Norrie, you
16 said:
17 "There was a question mark around a payment
18 received from an aid agency in [REDACTED] called the [REDACTED]
19 [REDACTED] Is that
20 correct, true?
21 A. That is what it says here, yes.
22 Q. And where did you get the idea that the
23 [REDACTED]
24 was an aid agency in [REDACTED]?
25 MR. LUFT: Objection.

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1 A. I don't recall.
2 Q. If you turn for a moment to your
3 Exhibit 4, that was Goalkeeper 666814.
4 A. Yes.
5 Q. If you turn to the page that ends in 390,
6 and would you just take a moment to review that page.
7 A. Okay.
8 Q. Does that appear to you to be a letter
9 from Mr. Mustafa to a Belinda lane? Is that what it
10 appears to you to be?
11 A. Yes.
12 Q. In the second paragraph, Mr. Mustafa is
13 writing on Interpal's letterhead. Is that true?
14 A. Yes.
15 Q. He is cited as the Vice Chair of the Board
16 of Trustees.
17 A. Yes.
18 MR. LUFT: Document speaks for itself.
19 Q. The second paragraph, do you see where
20 Mr. Mustafa says:
21 "I confirm that the transfer of [REDACTED] is
22 a donation from an aid agency in [REDACTED] called the [REDACTED]
23 [REDACTED]
24 [REDACTED] for Humanitarian projects as detailed
25 in the translation of the correspondence attached."

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1 Do you see that language?
2 A. Yes.
3 Q. Do you think that you might have learned
4 or do you think that you might have -- withdrawn.
5 Do you think that this indicates that you
6 might have gotten the idea that the [REDACTED] we
7 have been talking about is an aid agency from Interpal?
8 MR. LUFT: Objection, calls for speculation.
9 Mischaracterizes Exhibit 9.
10 A. My understanding, looking at these
11 documents today is yes, that would be the case, that the
12 customer has been challenged on that transaction and
13 that is the explanation that the bank has been provided
14 with.
15 Q. Do you see that the date on that document,
16 the letter from Mr. Mustafa is August 6, 2002?
17 A. Yes, I can see that.
18 Q. Are you aware in May 2003 that the Bank of
19 England listed the Al-Aqsa Foundation, including its
20 Yemen branch, on its list of suspects for terrorist
21 financing?
22 A. Yes, that is my understanding.
23 Q. Are you also aware that in May 2003 the
24 Al-Aqsa Foundation was listed on the OFAC list by the
25 United States Government?

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1 A. I don't recall that, having that
2 knowledge, so I can't comment.
3 Q. When you wrote O'Hear Exhibit 9, and
4 referenced the [REDACTED]
5 [REDACTED] as an aid agency, is it fair to say
6 that you were appropriating the same characterization of
7 [REDACTED] as used by Interpal?
8 MR. LUFT: Objection, lack of foundation,
9 calls for speculation. Are you asking him if he used
10 the same words or the words are based on what he read in
11 that document, if he read that document.
12 Q. Did you use the same words to characterize
13 the [REDACTED] as Interpal had used?
14 MR. LUFT: Objection, the documents speak for
15 themselves.
16 A. I can't recall if I specifically
17 referenced these documents as I prepared that e-mail. I
18 can't recall.
19 Q. The e-mail, O'Hear Exhibit 9,
20 dated October 13, 2003, in that e-mail you refer to the
21 [REDACTED] as
22 an aid agency in [REDACTED] Is that true?
23 A. Yes, that is what it says here, yes.
24 Q. You have testified that you knew that
25 in May 2003 the Al-Aqsa Foundation, including Al-Aqsa

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1 Foundation Yemen, had been listed on the Bank of England
2 list of suspects, terrorist financing list. Is that
3 true?
4 A. Yes, that is my understanding.
5 Q. Can you explain to me why you didn't put
6 that information, that is that the Al-Aqsa Foundation
7 had been listed in May 2003 on the Bank of England's
8 list of suspects of terrorist financing in
9 your October 13, 2003 e-mail?
10 MR. LUFT: Objection, lack of foundation.
11 A. I guess, as I look at it coldly today,
12 Stephen Foster and Ben Norrie were within the department
13 that issued those lists, so that actual information they
14 would have had, so they would have known that. That was
15 the unit that issued those lists.
16 Q. And you thought that because they would
17 have been privy to those lists, for the reason you just
18 specified, it wouldn't be necessary to include that
19 information in your October 13, 2003 e-mail. Is that
20 a fair characterization?
21 MR. LUFT: If you recall.
22 A. I can't. I can't recall.
23 MR. LUFT: I am not coaching here but your
24 questions are not clear. You are asking him what he
25 recalls. We have been all day asking him to make

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1 assumptions about what he thinks sitting here today.
2 MR. UNGAR: Many of which are documents he
3 worked on.
4 MR. LUFT: Whatever it is, if he doesn't
5 recall it he does not recall it, so you need to be clear
6 which one you are asking.
7 MR. UNGAR: I think that they are clear, but
8 let's turn back to O'Hear Exhibit 10.
9 Have you seen this document before,
10 Mr. O'Hear?
11 A. No.
12 Q. Is it fair to say it appears to be
13 a September 5, 2003 letter from Richard Gossage to TR
14 Dawlings. Is that fair?
15 A. Yes, that is what appears here, yes.
16 Q. Do you know who Richard Gossage is?
17 A. He was the bank's Group Risk Director at
18 that time.
19 Q. How about TR Dawlings?
20 A. Yes, my understanding now today is he is
21 part of what is now the HMT Asset Freezing Unit that was
22 the Bank of England at that time.
23 Q. And it appears from the document that when
24 this letter was written he was in the Financial
25 Sanctions Unit of the Bank of England. Is that what it

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1 says?
2 A. That is what the letter says, yes.
3 Q. Is it fair to say, Mr. O'Hear, that in
4 this letter Mr. Gossage [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 MR. LUFT: Objection. I am just going to
8 state this. He says he has never seen this document.
9 Now you are just asking him to read the documents and
10 make comments about what it says. This is not an
11 appropriate line of questioning for this witness.
12 MR. UNGAR: He is in a document that is
13 related to this document that comes after it, and I am
14 showing this document to him to give him some context.
15 I think this will make it easier for the witness, to
16 show him this document than to just show him the next
17 document. I am actually happy to go to the next
18 document which he appears on, if that is your
19 preference. I think this would make it easier for the
20 witness to follow the enquiry.
21 MR. LUFT: I think you should ask him about
22 what he knows. If he does not know it -- I don't know
23 what your question is and I don't know how this makes it
24 easier or doesn't make it easier. Even if you think
25 this relates to it or whatever else, what he has told us

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1 is that he does not know this document, so to just ask
2 him if certain things are in the document, then the
3 document speaks for itself. If you would like him to
4 review the document to answer one of your other
5 questions, that is fine, but I don't want him to just
6 sit here and read what is written on a piece of paper.
7 MR. UNGAR: Again, I think that would have
8 just made it a little bit more coherent but I am happy
9 to move to the next document. Hopefully he will be able
10 to follow without that document.
11 I am handing the court reporter a document
12 with the Bates range NatWest 013695 to NatWest 013697,
13 and asking that be marked O'Hear Exhibit 11.
14 (Exhibit O'Hear 11 marked for identification)
15 When you get the document, if you could just take
16 a moment to review it, please. Mr. O'Hear, have you seen
17 this document before?
18 A. No.
19 Q. Is it fair to say it appears to be an
20 e-mail chain between several RBS employees
21 of October 28, 2003?
22 MR. LUFT: Mischaracterizes the testimony.
23 Q. I am sorry, it actually appears to
24 encompass October 27, 2003 and October 28, 2003.
25 A. It is e-mail traffic from --

EXHIBIT 28 to Declaration of Joel Israel

In The Matter Of:
TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.

DOUGLAS HARTLEY
Vol. 1
July 12, 2010



Original File 120710 Douglas Hartley.txt
Min-U-Script® with Word Index

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
3 Action No: 05cv4622 (DGT) (MDG)
4 - - - - -
5 TZVI WEISS, et al,
6 Plaintiffs,
7 against
8 NATIONAL WESTMINSTER BANK, PLC.,
9 Defendant.
10 - - - - -
11 NATAN APPLEBAUM, et al.,
12 Plaintiffs,
13 against
14 NATIONAL WESTMINSTER BANK, PLC.,
15 Defendant.
16
17 VIDEOTAPED DEPOSITION OF DOUGLAS HARTLEY
18 Monday 12 July 2010
19 At: 10:00 am
20 Taken at:
21 Cleary, Gottlieb, Steen & Hamilton LLP
22 55 Basinghall Street, London
23 United Kingdom
24
25

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1 VIDEOGRAPHER: DAVID ROSS
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37 59 Chesson Rd
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22 Hartley 15 NW052056-66144
23
24
25

<p>HIGHLY CONFIDENTIAL Page 9</p> <p>1 A. I think I understood the question, that is 2 fine. When I joined the bank in 78 I worked in a branch 3 in the West End of London, and for the next 12 years or 4 so that was -- I worked in that, and subsequently other 5 branches in the West End of London. I worked in four 6 different branches in the West End of London, sort of 7 moving on about every four or five years. 8 Throughout the 90s I then moved out of the branch 9 network and spent a number of years working in service 10 centers, which were processing centers where a lot of the 11 old style branch functions were centralized, so I spent the 12 90s working in those type of centers. 13 Then, in March 2000, I joined -- I can't even 14 remember what it was called now back in 2000, Security 15 and Fraud Department, initially in those first two or 16 three years working in the Money Laundering Team and 17 then in 2002/2003 the money laundering process or Money 18 Laundering Team moved site, and had been obviously based 19 in London but then moved to Edinburgh. 20 I helped with the facilitation of that move 21 and once that move had taken place I then remained in 22 London. I have been working in Fraud Investigations for 23 the last 7 years. 24 Q. So from 2003 on you were in Fraud 25 Investigations?</p>	<p>HIGHLY CONFIDENTIAL Page 11</p> <p>1 was security teams as well, but within that, within 2 Security and Fraud, say, for those first 3 years, I was 3 working in the Money Laundering Team. That part of the 4 unit moved to Edinburgh so I then undertook a Fraud 5 Investigations role from 2003 onwards, but I have 6 effectively been in the same unit of the bank since 7 from March 2000 to date. 8 Q. The move to Edinburgh, first of all, do 9 you know Mr. Hoseason? 10 A. Yes, I know Mike Hoseason, yes. 11 Q. During the period 2000 to 2003, you worked 12 with Mr. Hoseason? 13 A. Yes, I did. Yes. 14 Q. In what you call Security and Fraud? 15 A. Yes. 16 Q. Was he your boss at that time? 17 A. He was. When I joined in 2000 he was my 18 immediate line manager, as we call it, yes. 19 Q. Did he move to Edinburgh in 2002/03? 20 A. I can't recall the specific timing but he 21 did time in Edinburgh overseeing some of the parts of 22 Security and Fraud that were based in Edinburgh, but 23 specific timings as to when he commenced that role and 24 when he finished, I can't be clear about that. 25 Q. Did all money laundering reporting move to</p>
<p>HIGHLY CONFIDENTIAL Page 10</p> <p>1 A. Yes, that is right, which is where I am 2 today. 3 Q. Do you remember when in 2003? 4 A. No, I can't remember. 5 Q. Approximately? 6 A. It would have been late 2003, thinking 7 about it, because I do recall travelling to Edinburgh to 8 facilitate some training, so it would have been late 9 2003 when my role in London commenced, the permanent 10 move into Fraud. 11 Q. As much as possible, if you could keep 12 your voice up for my poor old ears, I would appreciate 13 it, plus I have to work with an English accent. 14 MR. BLACKMAN: He has to work with yours. 15 A. That should make it easier for you. 16 Q. You know what they say: "Two countries 17 separated by a common language", really true. 18 So from 2000 to 2003 the period in which you 19 were working with what you call Security and Fraud, that 20 is correct? 21 A. Sorry, just to clarify, it has all been 22 Security and Fraud. Within Security and Fraud back 23 then, well, still now, they had a Money Laundering 24 section, a Fraud section, and there was other teams as 25 well that make up Security and Fraud. Obviously there</p>	<p>HIGHLY CONFIDENTIAL Page 12</p> <p>1 Edinburgh, to the best of your knowledge at that time? 2 A. Yes, to the best of my knowledge it did, 3 yes. 4 Q. So you stayed in London and from then on 5 your business has been fraud, is that correct? 6 A. Yes, that is right, yes. 7 Q. And after the move of the Money Laundering 8 Team to Edinburgh, did you have anything further to do 9 with money laundering? 10 A. In the first few months I would have had 11 some involvement, again, because just from the point of 12 view of a little bit of coaching and a referral, but as 13 time went on my involvement became less and less. 14 Q. During your time with the Money Laundering 15 Team, did you have specific cases that were assigned to 16 you? 17 A. Initially when I joined the team, yes, 18 I would have had specific cases that would have been 19 assigned to me. More latterly, I would have -- I had 20 more of a role of overseeing cases that were dealt with 21 by other case handlers within the team. 22 Q. All right. Let's start at 2000, please. 23 I would like to explore what was the nature of your job 24 duties and responsibilities during the time that you 25 were with the Money Laundering Reporting Team?</p>

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1 of Suspicious Transaction Reports, and they would be
 2 allocated around the team.
 3 Q. And so certain of them would be allocated
 4 to you?
 5 A. Yes.
 6 Q. How many would you say a day. Is there
 7 a typical number?
 8 A. I can't recall. I mean, I think there
 9 were -- it is difficult to recall specifics, it is
 10 a long time ago now. I think we used to receive sort of
 11 30 or 40 a day, something like that.
 12 Q. The whole team received 30 or 40 a day?
 13 A. Yes.
 14 Q. So then each person might get five or six?
 15 A. Yes. Potentially, yes.
 16 Q. So the post would come in, there would be
 17 30 or 40 Suspicious Activity Reports. They would be
 18 allocated to the team, including some to you, and then
 19 what would you do?
 20 A. Then I would just work the cases one by
 21 one.
 22 Q. How would you do that? How would you work
 23 the case?
 24 A. Initially, the first -- pretty much the
 25 first step in investigating any case would be to search

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1 Goalkeeper, to search for existing cases for that
 2 particular customer, because, you know, whatever
 3 existing cases there might be could prove a factor in
 4 your decision making process. Then, having done that,
 5 you would then look more specifically at the case in
 6 question, the report, read carefully why it had been
 7 submitted, what the suspicion was, and then you would,
 8 based on all the facts, come to a decision at the end of
 9 the day about whether it was felt appropriate to
 10 disclose, and if it was felt appropriate then to put
 11 that disclosure together.
 12 Q. Did you personally have the authority to
 13 submit disclosures to the NCIS?
 14 A. Initially, no, but over time then, as
 15 I say, as my level of responsibility grew, I was then
 16 effectively given the ability to submit, not just
 17 prepare but also to submit disclosures to NCIS, yes.
 18 Q. But in your initial stages of your
 19 employment you had to show them to Mr. Hoseason, is that
 20 correct?
 21 A. Yes.
 22 Q. And then he would say: "Yes, you are
 23 right" or "No, you are wrong"?
 24 A. Yes.
 25 Q. Is it possible to arrive at what you would

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1 call a sort of a typical percentage of cases referred to
 2 the NCIS from those received?
 3 A. Oh, dear. Well, there was certainly a lot
 4 more disclosed than weren't disclosed, but specific
 5 percentages, 80, 80 percent plus maybe would be
 6 disclosed. I could be wrong with that but that is
 7 a guess.
 8 Q. You are saying approximately 80 percent of
 9 the Suspicious Activities Reports you received
 10 ultimately became disclosures to the NCIS, is that
 11 correct?
 12 A. Yes. As I say, I could be on the low side
 13 with that.
 14 Q. I understand. I am speaking again of you
 15 personally, your duties. Once you have referred a case
 16 to the NCIS, did you have any follow-up
 17 responsibilities?
 18 A. What, in relation to a specific disclosure
 19 or generally?
 20 Q. Starting with a specific disclosure. In
 21 other words, you said you reviewed approximately, to the
 22 best of your recollection, 80 percent of them were then
 23 referred to the NCIS?
 24 A. Yes.
 25 Q. So several or a few at least of the ones

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1 that you had reviewed in any given day were severed to
 2 the NCIS. So my question is then did you have any --
 3 once you had referred them to the NCIS, did you have any
 4 follow-up responsibilities?
 5 MR. BLACKMAN: For that referral?
 6 A. Yes, again, it would depend on the nature
 7 of the case, but some would be, yes, some of them we
 8 would be requesting -- in relation to NCIS itself then
 9 obviously NCIS would subsequently advise us, they would
 10 give us a reference number for the disclosure, and they
 11 would advise us where the disclosure -- where the case
 12 had been allocated to, which we would make a record of
 13 on Goalkeeper.
 14 Q. Excuse me. What do you mean "where the
 15 case had been allocated to"?
 16 A. NCIS would obviously receive the case and
 17 they would, based on obviously several factors within
 18 the disclosure, most of them -- probably the principal
 19 determinant would normally be geographic, but they would
 20 then allocate that disclosure to City of London Police,
 21 to Greater Manchester Police, to Strathclyde Police in
 22 Scotland, depending on where it was felt appropriate to
 23 do so. So they would allocate a case to an area of law
 24 enforcement in the UK and they would advise us which
 25 area of law enforcement the case had been allocated to,

<p>HIGHLY CONFIDENTIAL Page 69</p> <p>1 obviously, you know, make the disclosure and await their 2 response. 3 Q. During the 3 years -- let me withdraw 4 that. I mean, according to this page you had some sort 5 of responsibility, along with Ms Baugh, for transactions 6 where prior consent needed to be signed. Is that 7 correct? 8 A. Yes. 9 Q. And during the time that you had this 10 responsibility, were there such transactions? 11 A. Did I ever get myself involved in 12 a consent disclosure? 13 Q. Yes? 14 A. Yes. 15 Q. Were there many such disclosures? 16 A. I can't recall. 17 Q. How long a period were you involved with 18 this? 19 A. It would have only been within -- it was 20 only the latter part of my tenure at the Money 21 Laundering Team, because obviously this was on the back 22 of the Proceeds of Crime Act in 2002. 23 MR. SCHWARTZ : I am informed that we have 24 five minutes left on the tape so why don't we take 25 a quick break. Let's change the tape and then we will</p>	<p>HIGHLY CONFIDENTIAL Page 71</p> <p>1 A. Again, that is a system that is used 2 primarily for fraud cases. So in my current role as 3 a fraud investigator, that is the primary case 4 management system that I will use in my current role. 5 Q. Is it different from Goalkeeper? 6 A. Yes. 7 Q. In what ways is it different? 8 A. I am no techy so I don't think I can be 9 too specific. In some respects, one was viewed as 10 a fraud system and the other one was used as a money 11 laundering system, but they are not as distinct as that. 12 Q. Could you look at 9. 13 A. Yes. 14 Q. In talking about the response, it says 15 that -- I guess this means a Money Laundering Reporting 16 Officer "may recommend or insist on termination of 17 relationship". Is that correct? 18 A. Yes. 19 Q. So during the years that you were in the 20 money laundering unit, did you have the capacity to 21 recommend that an account be closed? 22 A. Yes, yes. Well, to recommend, yes. 23 Q. To recommend? 24 A. Yes. 25 Q. Let's say "insist on". Did you have the</p>
<p>HIGHLY CONFIDENTIAL Page 70</p> <p>1 do another session and then have lunch. 2 THE VIDEOGRAPHER: This is the end of tape 3 one, volume one, video deposition of Mr. Douglas 4 Hartley, now going off the record at 11.56 am, as 5 indicated on the video screen. 6 (A short break) 7 THE VIDEOGRAPHER: This is the beginning of 8 tape two of volume one of the video deposition of 9 Mr. Douglas Hartley, back on the record at 12:06 pm, as 10 indicated on the video screen. 11 MR. SCHWARTZ: Mr. Hartley, could you take 12 a look, please at page 161, NW000161. This is the page 13 you say you helped draft, is that correct? 14 A. Yes. 15 Q. Number 1 there, what does "FMS" refer to? 16 A. FMS is another database that the bank has. 17 FMS stands for Fraud Management System. 18 Q. Here it is connected to Money Laundering, 19 so it is involved also, not just Fraud but also Money 20 Laundering. 21 A. Well, there would be yes, I mean FMS, it 22 is Fraud Management System but that system has cases 23 other than fraud on them, on it. 24 Q. What is the nature of the Fraud Management 25 System?</p>	<p>HIGHLY CONFIDENTIAL Page 72</p> <p>1 authority to insist that an account be closed? 2 A. Again, I can't recall any instances where 3 we may have insisted on. That is not to say we didn't, 4 but I can't recall. 5 Q. But you personally never insisted that an 6 account be closed? 7 A. As I say, I can't recall. 8 Q. Do you recall whether you ever recommended 9 that an account be closed? 10 A. Again, I wouldn't want to be specific but 11 I am sure there must have been occasions. That was 12 a more regular sort of instruction, if you like, so I am 13 sure there would have been occasions where we would 14 recommend, but again I wouldn't like to hazard a guess 15 about numbers. 16 Q. I am sorry, I don't understand what you 17 mean by "a regular sort of instruction"? 18 MR. BLACKMAN: He didn't say "regular sort of 19 instruction". 20 MR. SCHWARTZ: That is what he said on the 21 text. What did he say? 22 A. I can't recall now. I would need to see 23 the text again. 24 MR. BLACKMAN: I think you said "recommend". 25 I think it got transcribed as "regular".</p>

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1 Q. Sitting here today, have you ever seen
 2 them before?
 3 A. No.
 4 Q. What about the article that is attached,
 5 191806, have you ever seen that article before?
 6 A. No.
 7 Q. Would you take a minute and read the
 8 article, please. I would like to know whether some of
 9 the facts in it were ever familiar to you prior to
 10 today.
 11 MR. BLACKMAN: I am going to object to the
 12 form of the question.
 13 MR. SCHWARTZ: I have not asked a question.
 14 MR. BLACKMAN: You did, you wanted to know
 15 about facts.
 16 MR. SCHWARTZ: I didn't ask any question. Go
 17 ahead.
 18 MR. BLACKMAN: We don't know whether any of
 19 the things in it are factual.
 20 MR. SCHWARTZ: Excuse me, I get your point.
 21 A. Okay.
 22 Q. Mr. Hartley, have you had a chance to read
 23 this article?
 24 A. Yes, I have.
 25 Q. Have you ever heard of the entity called

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1 "Interpal" referred to therein?
 2 A. Yes.
 3 Q. What do you know of Interpal?
 4 MR. BLACKMAN: Object to the form of the
 5 question, it is broad and vague, but he can answer it.
 6 A. Only I know now that it is another name
 7 for the Palestinian Relief and Development Fund.
 8 Q. And you say you know now, you mean as
 9 a result of reading the article?
 10 A. No, as a result of obviously, you know,
 11 being summoned to this deposition and obviously previous
 12 knowledge of this case.
 13 Q. During the three years that you were part
 14 of the money laundering unit, did you ever do any work
 15 on any matters concerning Interpal?
 16 A. Do you mean Interpal as in Interpal or
 17 Interpal as in the Palestinian Relief and Development
 18 Fund.
 19 Q. I mean either.
 20 MR. BLACKMAN: Why don't you distinguish in
 21 your answer.
 22 A. As I said earlier, I have some
 23 recollection of the Palestinian -- of the name the
 24 Palestinian Relief and Development Fund, but I don't
 25 recall -- and that is not to say it didn't happen -- I

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1 don't recall specifically using or having knowledge of
 2 the term Interpal during the three years that I was
 3 working in the Money Laundering Team.
 4 Q. In the article it says, in the first
 5 column:
 6 "A senior military officer said Interpal, also
 7 known as the Palestinian Relief and Development Fund, raised
 8 money exclusively for Hamas institutions and directly
 9 provided support to families of Hamas guerillas and suicide
 10 bombers. Interpal is the main source of funds for Hamas
 11 outside Palestinian territories."
 12 MR. BLACKMAN: He said.
 13 MR. SCHWARTZ: Have you ever heard of Hamas?
 14 A. Yes.
 15 Q. What do you understand Hamas to be?
 16 A. It is a terrorist organization in
 17 Palestine.
 18 Q. Were you familiar during the years that
 19 you were in the money laundering unit with the name
 20 Hamas?
 21 A. Yes.
 22 Q. Were you familiar at that time -- let me
 23 withdraw that. Was it your understanding at that time
 24 that it was then considered to be a terrorist
 25 organization?

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1 A. I can't recall specifically, no.
 2 Q. Were you ever aware during that time, 2000
 3 to 2003, or let's say the time that you worked on
 4 Palestinian Relief and Development Fund matters, did it
 5 ever come to your attention that the Palestinian Relief
 6 and Development Fund had been accused of raising money
 7 for Hamas?
 8 A. I don't know, I can't answer that.
 9 Q. If you look back, please, at 191802, that
 10 is page 2. Do you see the account named there as
 11 "Palestine and Lebanon Relief Fund"?
 12 A. Yes.
 13 Q. Did you ever work on an account called
 14 Palestine and Lebanon Relief Fund?
 15 A. I don't know, I cannot be specific.
 16 Q. When you were looking at Palestine Relief
 17 and Development, did you do Goalkeeper research on that
 18 name?
 19 A. I don't know. I don't know. I can't
 20 recall specifically.
 21 Q. It was number 1 in the list that you said
 22 you helped draft, so wouldn't it be likely that you
 23 would have done Goalkeeper research?
 24 MR. BLACKMAN: Wait. What was number 1 on the
 25 list he drafted?

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1 details behind some of the sizable transactions". Do
 2 you remember writing that?
 3 A. Clearly I don't remember writing it, no.
 4 Q. You have no doubt that you did write that
 5 though, right?
 6 A. Yes, the evidence suggests that I did, but
 7 obviously you will forgive me if I can't recall
 8 specifically doing that.
 9 Q. That is all right, I will forgive you.
 10 Were you writing that to someone in particular?
 11 A. No. In the main that is -- it is what we
 12 call a case note, so for anyone who wanted to look at
 13 the case to see where we are, then that will be
 14 a reference point to them as to at what stage we are at
 15 in relation to working this Suspicious Activity Report.
 16 Q. I understand. It appears to me that it is
 17 a request for further action or it is a recommendation
 18 for further action. Is that a fair statement?
 19 A. The way that -- yes, I think that is
 20 a fair assumption.
 21 Q. I am trying to find out whether as
 22 a result of that recommendation someone would have taken
 23 action to gain a clear understanding of the activities
 24 here and full details behind?
 25 MR. BLACKMAN: Are you asking him the

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1 question?
 2 MR. SCHWARTZ: I am asking him.
 3 MR. BLACKMAN: Well, ask him the question.
 4 What if anything do you know happened afterwards?
 5 A. Yes, I mean, I don't know. The subsequent
 6 note on 17 January suggests that something was sent to
 7 the relationship manager requesting information, but
 8 whether that was the next action on that case, or
 9 something happened in between, I don't know.
 10 Q. It says further down:
 11 "Existing case for this customer discovered
 12 somewhat belatedly".
 13 Do you know what that is referring to?
 14 A. No, I do not understand that.
 15 Q. It also says, further down:
 16 "The KYC", I don't know what "DD" means,
 17 "info appears deficient." What does the "DD" mean
 18 there?
 19 A. Due diligence.
 20 Q. "The KYC due diligence appears deficient."
 21 Do you remember why you wrote that?
 22 A. No.
 23 Q. If you look at the next page, do you know
 24 who wrote that?
 25 A. No.

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1 Q. Not you?
 2 A. No, I don't know, no.
 3 Q. Do you know, in the previous page -- sorry
 4 to keep jumping back and forth -- back to 8369, do you
 5 know why you added the word "hopefully" into that note?
 6 A. No, I don't know that, no.
 7 Q. On 8370, this is going to be a general
 8 question which we will see if you can answer. Whoever
 9 wrote this says at the very end:
 10 "Given the current volatile situation in
 11 Palestine, we are concerned that as the sources of
 12 funds cannot be verified there may be [I assume that
 13 is] vulnerability for terrorist financing".
 14 Is it your understanding from your training
 15 that where sources of funds cannot be verified, that is
 16 a cause for suspicion?
 17 A. We would always be more suspicious if we
 18 could not verify the sources of funds but --
 19 Q. How do you understand that sentence?
 20 A. I don't know.
 21 Q. It is in Goalkeeper?
 22 MR. BLACKMAN: I know, but why don't you just
 23 ask him what he knows, because asking someone to
 24 understand what someone else wrote --
 25 MR. SCHWARTZ: I want his understanding.

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1 MR. BLACKMAN: I know, but your understanding,
 2 if he didn't ever --
 3 MR. SCHWARTZ: He is an officer.
 4 MR. BLACKMAN: That doesn't matter. He is not
 5 required to speculate.
 6 MR. SCHWARTZ: It is not up to you. You are
 7 not taking this deposition.
 8 MR. BLACKMAN: Object to the form of the
 9 question.
 10 MR. SCHWARTZ: Fine.
 11 MR. BLACKMAN: There is no foundation asking
 12 a witness about understanding of a document someone else
 13 wrote that he does not remember ever seeing. Ask him
 14 what he knows, not what he understands someone else
 15 wrote. That's not so hard.
 16 BLACKMAN:
 17 MR. SCHWARTZ: I am not asking you what
 18 someone else wrote.
 19 MR. BLACKMAN: Yes, you are.
 20 MR. SCHWARTZ: All right, let me see if we can
 21 satisfy Mr. Blackman too. First of all, during the time
 22 that you were a Money Laundering Officer, were you aware
 23 of anything in the way of trouble going on in Israel and
 24 Palestine at that time?
 25 A. Yes.

<p>HIGHLY CONFIDENTIAL</p> <p>Page 97</p> <p>1 Q. What were you aware of?</p> <p>2 A. That there was conflict, yes, so it was</p> <p>3 a -- and that, well, yes, that is as much as -- what</p> <p>4 else do you want me to say? I was obviously aware that</p> <p>5 it was a volatile region and that there was conflict</p> <p>6 between the two countries.</p> <p>7 Q. Someone made the assessment that --</p> <p>8 withdraw that.</p> <p>9 If you look at pages 8372 and 3, this is</p> <p>10 a Suspicious Activity Report, correct?</p> <p>11 A. Yes, it is.</p> <p>12 Q. This is an internal RBS document?</p> <p>13 A. Yes.</p> <p>14 Q. And someone filled this out. We talked to</p> <p>15 Miss Leeming earlier. Miss Leeming filled this out</p> <p>16 because she saw a couple of transactions that struck her</p> <p>17 as suspicious.</p> <p>18 A. Yes.</p> <p>19 MR. BLACKMAN: Just guessing but --</p> <p>20 A. Yes.</p> <p>21 MR. SCHWARTZ: That is what appears -- that is</p> <p>22 what this document would tell you?</p> <p>23 A. Yes, the reasons for suspicion, she has</p> <p>24 put in "Large payments received". I can only speculate</p> <p>25 beyond that.</p>	<p>HIGHLY CONFIDENTIAL</p> <p>Page 99</p> <p>1 Q. Do you see the name on page 1, "Reevely</p> <p>2 L"?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know who that is?</p> <p>5 A. No. I vaguely remember the name as</p> <p>6 obviously presumably being someone in the team at the</p> <p>7 time but I can't remember who that was, no.</p> <p>8 Q. And you have no recollection why you were</p> <p>9 looking at this on February 5?</p> <p>10 MR. BLACKMAN: Of 2002.</p> <p>11 MR. SCHWARTZ: Of 2002, or why you wrote these</p> <p>12 notes on that page?</p> <p>13 MR. BLACKMAN: As we sit here, in July 2010?</p> <p>14 MR. SCHWARTZ: Giving testimony in</p> <p>15 a litigation, yes.</p> <p>16 A. Obviously, I don't mind speculating</p> <p>17 because obviously the last of the three notes that are</p> <p>18 included in 8369, is dated, which is also by myself, was</p> <p>19 dated 5th of the 2nd, and that is when it says it was</p> <p>20 last modified by.</p> <p>21 Q. To the best of your knowledge, sitting</p> <p>22 here today, did you do any research on this matter at</p> <p>23 all?</p> <p>24 A. I can't recall, no.</p> <p>25 Q. And from your recollection of your job</p>
<p>HIGHLY CONFIDENTIAL</p> <p>Page 98</p> <p>1 Q. If you look at 8367, someone has filled in</p> <p>2 reasons for suspicion "Suspected terrorist financing or</p> <p>3 suspected terrorist funding." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. But that is not -- if you look back at 72</p> <p>6 and 73, the person who filled out the suspicious</p> <p>7 activity report did not say that?</p> <p>8 A. No.</p> <p>9 Q. So that was added by whoever filled out</p> <p>10 this Goalkeeper report?</p> <p>11 MR. BLACKMAN: Objection. If you know.</p> <p>12 I mean just you -- are asking him to speculate.</p> <p>13 MR. SCHWARTZ: I am asking him --</p> <p>14 MR. BLACKMAN: You are totally. Go ahead,</p> <p>15 answer the question.</p> <p>16 A. Yes.</p> <p>17 Q. When you filled out Goalkeeper reports did</p> <p>18 you make a determination as to what was the reason for</p> <p>19 the suspicion?</p> <p>20 A. Of course, yes, we would. I mean, that</p> <p>21 was our job. We wouldn't obviously just rely on the</p> <p>22 information provided by the author of a suspicion report</p> <p>23 who had obviously, you know -- we would occasionally</p> <p>24 obviously add information, if we felt it was appropriate</p> <p>25 to do so.</p>	<p>HIGHLY CONFIDENTIAL</p> <p>Page 100</p> <p>1 duties at that time would you say it is likely that you</p> <p>2 did any research that you don't remember doing?</p> <p>3 MR. BLACKMAN: Objection to the form. You can</p> <p>4 answer.</p> <p>5 A. I don't think it is fair to ask that.</p> <p>6 I could have done and obviously there would obviously be</p> <p>7 cases that would provoke, you know, more research than</p> <p>8 others, but I can't comment about specific cases.</p> <p>9 MR. SCHWARTZ : All right. Why don't we take</p> <p>10 a lunch break here. It is one o'clock.</p> <p>11 THE VIDEOGRAPHER: Going off the record at</p> <p>12 1:01 pm, as indicated on the video screen.</p> <p>13 (Break for Lunch.)</p> <p>14 THE VIDEOGRAPHER: Back on the record at 1:52</p> <p>15 pm, as indicated on the video screen.</p> <p>16 MR. SCHWARTZ : Mr. Harley, did you have</p> <p>17 a good lunch?</p> <p>18 A. I did, thank you very much.</p> <p>19 Q. More than I can say. If you look back,</p> <p>20 please, at the last exhibit, that is Hartley 5, 8367,</p> <p>21 I know you said you don't remember working on this, and</p> <p>22 that is fine. I am just asking you now your experience</p> <p>23 as a member of the unit, looking at this document,</p> <p>24 whoever drafted this document, from your team, added the</p> <p>25 term "Suspected terrorist funding". Correct?</p>

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1 Q. And you see the name on 8395, N. Morrison?
2 A. Yes.
3 Q. Do you know N. Morrison?
4 A. No.
5 Q. And pages 8396 through 8398?
6 A. Yes.
7 Q. This is an NCIS disclosure, correct?
8 A. Yes.
9 Q. Prepared by your team at RBS?
10 A. Yes.
11 Q. In fact, this one says submitted by you,
12 correct?
13 A. Yes, that is right.
14 Q. Do you remember preparing this form?
15 A. No. I wouldn't have prepared it. If that
16 needs clarifying, it would have been prepared by the
17 other individual named at the top there, and submitted
18 by me was that meant that I had pressed the button and
19 submitted it to NCIS.
20 Q. Is that because the person who is named
21 there, I believe that is Charlotte McComas, did not have
22 authority, or why would you have submitted it?
23 A. Because I had the authority to actually
24 send it, to submit, to press the button to submit the
25 disclosure, yes.

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1 Q. Again, you don't remember but would you
2 typically have reviewed it before submitting it?
3 A. Yes, I would like to think so.
4 Q. What would you have been looking for?
5 A. Just reviewing it generally to make sure
6 that it was appropriate to be submitted a disclosure.
7 Q. Would you have reviewed the substance of
8 the report as well as the form?
9 A. Yes.
10 Q. You see where it talks about "Remitter
11 details", here in the first -- there is a little
12 paragraph "Further to our disclosure", on the same page:
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] " Do you know where [REDACTED] is?
17 A. I don't actually, no.
18 Q. It is in [REDACTED] Would the fact that this
19 payment came from [REDACTED] have --
20 A. I don't know if the fact that it came from
21 [REDACTED] if anyone -- would have been the principal reason
22 for the disclosure, I don't know.
23 Q. First of all, if you look at 8379 and 80,
24 on Exhibit 7, and compare it to 8394 and 8395, it
25 appears to be the same Suspicious Activity Report. Do

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1 you agree with that? It looks like some language has
2 been added, but otherwise --
3 A. Yes, that appears to be correct.
4 Q. It is the same report, right?
5 A. I think it is, yes.
6 Q. So if you notice also the first one,
7 Exhibit 7, says "Money laundering suspicion".
8 A. Yes.
9 Q. Exhibit 8: "Money Laundering Disclosure."
10 A. Yes.
11 Q. So the question I have is do you know why
12 two separate Goalkeeper reports follow on the same
13 Suspicious Activity Report?
14 A. No, I don't know that.
15 Q. Again, if you notice on 8374, page one of
16 Exhibit 7, it says: "Reasons for suspicion payment to or
17 from blacklisted and high risk countries."
18 A. Yes.
19 Q. But you do not recall [REDACTED] as being
20 a country on a blacklist at that time?
21 A. I can't specifically recall. It may well
22 have been. I can't specifically recall this far down
23 the line.
24 Q. Do you see on page 8375, do you have any
25 idea why that page was intentionally omitted?

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1 A. No.
2 Q. If you look, please, at Exhibit 8, 8384 is
3 the page I want to look at. We are back at the case
4 notes.
5 A. Okay.
6 Q. Why don't you take a look and read that
7 note, please.
8 A. Okay.
9 Q. There are two DH's in this note. That
10 would be you?
11 A. Yes.
12 Q. So these are notes that you wrote, is that
13 correct?
14 A. Yes.
15 Q. But do you have any recollection of
16 writing these notes?
17 A. No.
18 Q. You have no recollection of working on
19 this matter?
20 A. No. No.
21 Q. Do you see where it says just before the
22 first DH: "I will need to comment on the High Profile
23 Report"?
24 A. Yes.
25 Q. Can you explain what you were saying

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1 there, if you remember?
2 A. No.
3 Q. You have no idea?
4 A. I don't remember, no.
5 MR. BLACKMAN: Is this part of your comment or
6 is your comment the one that follows your initial and
7 the date, if you know.
8 A. Normally the initials would go at the end
9 of the note rather than the beginning, so where "DH" is,
10 before "5.8.02", then that is the end of my note.
11 Q. So following up on Mr. Blackman's
12 question, my understanding would be that your note began
13 with "See case"?
14 A. No.
15 Q. Where would your note begin? "Disclosure
16 confirmed"?
17 A. I think possibly, again, I don't know for
18 certain, but where it begins at 4702: "Disclosure
19 confirmed", and then the subsequent text, but I can't
20 say for certain.
21 Q. And the reason, I know you don't remember
22 but given your job responsibility at the time, why would
23 you have been commenting on this particular case?
24 A. Because again that was part of my role
25 that I would have -- the fact that I have keyed a note

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1 that says "disclosure confirmed" is that part of my
2 responsibility was to annotate on every case whether
3 yes, disclosure was confirmed or not confirmed. If
4 I had chosen to -- that I didn't agree with the case
5 handler's decision, then I would have commented in such
6 a fashion there.
7 Q. If you look at 8385, you will note that it
8 says: "Remitter details, [REDACTED] Earlier
9 I asked you about whether in a situation like this the
10 researcher for this case would have been likely to or it
11 would have been their responsibility to research whether
12 other payments had been received from [REDACTED]
13 [REDACTED] so let me ask the question again. Would it have
14 been protocol, policy in your unit at that time for this
15 researcher to have looked up [REDACTED] in
16 Goalkeeper, let's say?
17 A. Yes, potentially, that should have
18 happened, yes.
19 Q. Or to look and see whether other payments
20 had been received from [REDACTED] in [REDACTED]?
21 A. Yes.
22 Q. It would have been likely the policy?
23 MR. BLACKMAN: If you know.
24 A. Yes, it is difficult to be specific about
25 what the policy was around remitters names, but it is

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1 possible.
2 Q. You did research in cases like this,
3 correct?
4 A. Yes.
5 Q. If you had been researching this case,
6 would you have looked to see whether other payments had
7 been received from [REDACTED]
8 A. Yes.
9 Q. Yes, you would have?
10 A. Yes, I think I would have done, yes.
11 Q. On 8384, please, near the end of the
12 paragraph, it says:
13 "The [REDACTED] originated
14 from the [REDACTED]
15 [REDACTED] This organization, albeit not at the time,
16 in June 2002, now appears on a list of named/suspected
17 terrorists."
18 Do you see that?
19 A. Yes.
20 Q. I will ask this question the way I asked
21 the last one. If you had been doing the research and
22 you saw that the client had previously received funds
23 from an entity that was subsequently added to the Bank
24 of England's terrorism list, would you have researched
25 whether other payments had been received from the same

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1 entity?
2 MR. BLACKMAN: At what time?
3 MR. SCHWARTZ: During the time that he was
4 there.
5 MR. BLACKMAN: No, in connection with what?
6 MR. SCHWARTZ: This is about a payment that
7 was received in June 2002.
8 MR. BLACKMAN: I know, but put some time frame
9 on it. Would you have -- you understand the objection?
10 MR. SCHWARTZ: Okay --
11 MR. BLACKMAN: You are not asking him when he
12 is supposed to be doing research --
13 MR. SCHWARTZ: We will get to the designation
14 of this entity but for the moment, believe me, it took
15 place in May of 2003.
16 A. What took place?
17 Q. The designation of this entity, [REDACTED]
18 [REDACTED] just
19 like it says here, you see, on 5.29.03?
20 A. Yes.
21 Q. So at that time it was designated by the
22 Bank of England and OFAC, we will look at that, but you
23 will see that I am not making it up.
24 A. Yes.
25 Q. My question is when that came out, and

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1 Fund. If you keyed that name in as a search then you
 2 should find any disclosure on which their name is
 3 included.
 4 Q. So you are not limited to just the linked
 5 cases on the report?
 6 A. No.
 7 Q. All right. Let me ask you about freezing
 8 an account. Now, freezing an account for the purpose of
 9 the next questions, I mean preventing a customer from
 10 using the account. While you worked on the Money
 11 Laundering Team, was there ever an occasion where an
 12 account was frozen due to suspicious activity, without
 13 waiting for the NCIS to consent to the use of the
 14 account?
 15 A. Sorry, without -- before they consented or
 16 what?
 17 Q. Right, let me be sure you are clear.
 18 During the time you were on the Money Laundering Team,
 19 would there be occasions where, because of suspicious
 20 activity, the bank froze the account, regardless of
 21 dealing with Special Branch?
 22 A. I don't know. I can't recall. I can't
 23 recall specifically.
 24 Q. Do you know if the Money Laundering Team
 25 had that authority?

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1 A. What, to freeze accounts?
 2 Q. Yes, sir.
 3 A. No, the team itself wouldn't have the
 4 authority. That goes for any department in the bank.
 5 You could only freeze an account if you have been
 6 properly authorized by an external body or you believe
 7 that you have got the right to do so.
 8 Q. Who within the bank would have the
 9 authority to freeze a customer's account, if the Money
 10 Laundering Team was recommending that?
 11 A. It would be unlikely that we would give an
 12 instruction to freeze an account if we were not acting
 13 on an external recommendation, so that, you know,
 14 wouldn't be solved in the bank just unilaterally, making
 15 that decision, it would be because we had been
 16 instructed, because we had received a legal order, for
 17 example, or a specific advice by law enforcement. So
 18 the bank would be reluctant to freeze an account without
 19 that sort of authority because of potential -- there
 20 could be other problems that potentially could ensue.
 21 Q. Such as?
 22 A. A customer could always sue the bank for
 23 breach of contract if we froze their account without due
 24 reason for doing so.
 25 Q. Let's leave aside "reluctant" and even

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1 that normally if not always it was through the external
 2 authority. If someone on the Money Laundering Team
 3 felt, because of suspicious activity, that the account
 4 should be immediately frozen, do you know who would have
 5 the authority?
 6 A. As I said, I can't recall. I genuinely
 7 cannot recall examples of where we would give authority,
 8 where we would give an authority to freeze an account.
 9 Q. Do you know, and if you don't just tell
 10 me, do you know who would have the authority to freeze
 11 an account?
 12 MR. BLACKMAN: I am going to object for lack
 13 of foundation because I think, with all respect, your
 14 questions are not responding to the answers, which are
 15 that he didn't think that they could just freeze an
 16 account because they felt like it. I think that is the
 17 testimony.
 18 MR. SCHWARTZ: Would you read the question
 19 back, please.
 20 (Read back)
 21 A. I don't know, no.
 22 Q. Do you have any recollection of discussing
 23 the Interpal account with Mike Hoseason?
 24 A. No.
 25 Q. Do you have any recollection of discussing

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1 the Interpal account with anyone at the bank?
 2 A. No. As I said, no, I will repeat what
 3 I said earlier on, that is not to say I might not have
 4 done, that is not to say I might have done, but I don't
 5 specifically recall, this far down the line.
 6 Q. I am not asking you what you specifically
 7 recall or what you might have done. My question,
 8 Mr. Hartley, is do you have any recollection of
 9 discussing Interpal with Mike Hoseason?
 10 A. No.
 11 Q. Do you have any recollection of discussing
 12 Interpal with anybody else at the bank?
 13 A. No.
 14 Q. Would those answers be the same if I said
 15 Palestine Development Fund, rather than Interpal?
 16 A. Yes.
 17 Q. Earlier you were asked some questions
 18 about the different teams that were in the Financial
 19 Fraud Group, and you mentioned Money Laundering and you
 20 mentioned Fraud but you could not remember others. My
 21 question is do you know how many different teams? Were
 22 there like three, six, 10?
 23 A. Probably about four or five, I think, no
 24 more than that. Fraud and Money Laundering made up the
 25 majority of the teams. There was, yes, I mean, I guess

<p>HIGHLY CONFIDENTIAL Page 161</p> <p>1 more information is coming back to me. There was the</p> <p>2 Legal Orders Team as we called it, which dealt with</p> <p>3 obviously production orders, and the like, that would</p> <p>4 come in from external bodies. That was another one of</p> <p>5 the teams that was within the unit.</p> <p>6 Q. Do you remember ever taking a position one</p> <p>7 way or the other about Interpal, as far as whether it</p> <p>8 should be disclosed or anything else?</p> <p>9 A. No.</p> <p>10 MR. BLACKMAN: Objection to the form.</p> <p>11 A. No, I don't.</p> <p>12 MR. WERBNER: I will pass the witness, thank</p> <p>13 you.</p> <p>14 MR. BLACKMAN: I have no questions.</p> <p>15 THE VIDEOGRAPHER: This is the end of tape</p> <p>16 three, volume one, in the video deposition of</p> <p>17 Mr. Douglas Hartley. Going off the record at 4:00 pm,</p> <p>18 as indicated on the video screen.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>HIGHLY CONFIDENTIAL Page 163</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3 I, AILSA WILLIAMS, an Accredited LiveNote Reporter with</p> <p>4 European Deposition Services, London, England, hereby</p> <p>5 certify that the testimony of the witness Douglas</p> <p>6 Hartley in the foregoing transcript, numbered pages 1</p> <p>7 through 163, taken on 12 July, 2010 was recorded by me</p> <p>8 in machine shorthand and was thereafter transcribed by</p> <p>9 me; and that the foregoing transcript is a true and</p> <p>10 accurate verbatim record of the said testimony.</p> <p>11</p> <p>12 I further certify that I am not a relative, employee,</p> <p>13 counsel or financially involved with any of the parties</p> <p>14 to the within cause, nor am I an employee or relative of</p> <p>15 any counsel for the parties, nor am I in any way</p> <p>16 interested in the outcome of the within cause.</p> <p>17</p> <p>18 Signed:</p> <p>19 AILSA WILLIAMS</p> <p>20 Dated:</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>HIGHLY CONFIDENTIAL Page 162</p> <p>1</p> <p>2 CERTIFICATE OF DEPONENT</p> <p>3</p> <p>4 I, Douglas Hartley, hereby certify that I have read the</p> <p>5 foregoing pages, numbered 1 through 163, of my</p> <p>6 deposition of testimony taken in these proceedings on 12</p> <p>7 July, 2010, and, with the exception of the changes</p> <p>8 listed on the next page and/or corrections, if any, find</p> <p>9 them to be a true and accurate transcription thereof.</p> <p>10</p> <p>11 Signed:</p> <p>12 Name: Douglas Hartley</p> <p>13 Date:</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>HIGHLY CONFIDENTIAL Page 164</p> <p>1</p> <p>2 E R R A T A</p> <p>3 Deposition of Douglas Hartley</p> <p>4 Page/Line No. Description Reason for</p> <p>5 change</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Signed:</p> <p>23 Name: Douglas Hartley</p> <p>24 Date:</p> <p>25</p>

EXHIBIT 29 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

IRVINE RODGER

Vol. 1

July 22, 2010



Original File 220710 Irvine Rodger.txt

Min-U-Script® with Word Index

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1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF NEW YORK
 3 Action No: 05cv4622 (DGT) (MDG)
 4 - - - - -
 5 TZVI WEISS, et al, Plaintiffs,
 6 against
 7 NATIONAL WESTMINSTER BANK, PLC.,
 8 Defendant.
 9 NATAN APPLEBAUM, et al.,
 10 Plaintiffs,
 11 against
 12 NATIONAL WESTMINSTER BANK, PLC.,
 13 Defendant.
 14
 15
 16 VIDEOTAPED DEPOSITION OF IRVINE RODGER
 17 Thursday 22 July 2010
 18 At: 10:00 am
 19 Taken at:
 20 Cleary, Gottlieb, Steen & Hamilton LLP
 21 55 Basinghall Street, London
 22 United Kingdom
 23
 24
 25

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 4 GOELMAN:
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 8 Rodger 3 NW051168-6947
 9 Rodger 4 NW051994-9765
 10 Rodger 5 NW012925-3868
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1 Rodger 21 NW066721-23213
 2 Rodger 22 NW066795-96220
 3 Rodger 23 NW181032-35225
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<p>HIGHLY CONFIDENTIAL Page 5</p> <p>1 THE VIDEOGRAPHER: This is the beginning of 2 tape one, volume one in the video deposition of Irvine 3 Rodger, being held at the offices of Cleary, Gottlieb, 4 Steen & Hamilton, 55 Basinghall Street, London. 5 This is being taken on 22 July at 10:08 am. 6 This deposition is being taken in the matter of Tzvi 7 Weiss et al National Westminster Bank plc, Natan 8 Applebaum versus National Westminster Bank plc et al, 9 case number 05cv4622 (DGT) (MDG), being heard before the 10 Eastern District Court of New York. 11 The court reporter is Ailsa Williams of 12 European Deposition Services Limited. The videographer 13 is Floyd Humphrey of European Deposition Services. 14 Would counsel introduce themselves, please. 15 MR. GOELMAN: Aitan Goelman, Zuckerman 16 Spaeder, Washington DC, for the Weiss plaintiffs. 17 MR. UNGAR: Ari Ungar, Osen LLC, Oradell, 18 United States, also on behalf of the Weiss plaintiffs. 19 MR. LUFT: Avi Luft, Cleary, Gottlieb, Steen & 20 Hamilton, New York, on behalf of National Westminster 21 Bank and the witness, Irvine Rodger, and with me is my 22 colleague, Valerie Schuster. 23 THE VIDEOGRAPHER: Would the court reporter 24 please swear in the witness. 25</p>	<p>HIGHLY CONFIDENTIAL Page 7</p> <p>1 then go ahead and answer it, even though there will be 2 an objection on the record. Objections are made so that 3 the court back in the United States can rule on them 4 ultimately. Okay. 5 We will be taking regular breaks every hour or so. 6 If you need more frequent breaks or if you need a break for 7 any particular reason, just let me know and we will take 8 one. I ask only that if there is a question pending we not 9 take a break until you have completed your answer to that 10 question. Okay? 11 A. Yes. 12 Q. Your attorney may make objections to the 13 form of certain of my questions. If he says that you 14 can answer the question, you can go ahead and answer it, 15 but I don't want you to answer the question if you don't 16 understand it, so if there is something about any of my 17 questions that you don't understand, to the extent that 18 you cannot answer it, please let me know and I will try 19 to restate. Okay? 20 A. Okay. 21 Q. If you do answer my question I will just 22 assume that you understood it. Is that fair? 23 A. Yes. 24 Q. One other thing. I will be showing you 25 some documents today. Some of the documents are rather</p>
<p>HIGHLY CONFIDENTIAL Page 6</p> <p>1 IRVINE RODGER 2 Having been duly sworn, 3 Testified as follows: 4 DIRECT EXAMINATION BY MR. GOELMAN: 5 MR. GOELMAN: Good morning, Mr. Rodger. 6 A. Morning. 7 Q. Can you state your name and spell it for 8 the record, please? 9 A. Irvine Neil Rodger. I-R-V-I-N-E, Neil 10 N-E-I-L, Rodger R-O-D-G-E-R. 11 Q. Mr. Rodger, I represent a group of 12 plaintiffs that has sued NatWest Bank in this case. I 13 want to kind of describe some of the rules of the 14 deposition. Have you ever been deposed before? 15 A. No. 16 Q. I will be asking questions and you will be 17 giving answers. I am going to try not to talk over your 18 answers and I ask you to try not to talk over my 19 questions, so the court reporter can get a clean 20 transcript. 21 A. Okay. 22 Q. From time to time your attorney may 23 interpose an objection. I may in response to that 24 objection restate the question, I may not. If your 25 attorney tells you that you can answer the question,</p>	<p>HIGHLY CONFIDENTIAL Page 8</p> <p>1 voluminous. I will be drawing your attention to 2 particular sentences or paragraphs, so you don't need to 3 read each of these documents cover to cover. At the 4 same time I want you to feel comfortable that you have 5 an opportunity to review the documents if you want. So 6 if you ever want more time to go through a document just 7 let me know and you can look at any part of a document 8 you want. Okay? 9 A. Okay, yes. 10 Q. Can you start off just by telling me about 11 your educational, professional background? 12 A. I graduated from Aberdeen University in 13 1987, having got a degree in Economics and International 14 relations. After graduation I joined Deloitte, 15 qualifying as a chartered accountant and performing 16 audit tasks. 17 Then my career kind of changed, from various 18 banks, institutions in the City of London, including Waco 19 International, a Japanese securities firm, London 20 subsidiary. 21 Then I went and joined the Financial Services 22 Authority for three years. I left Financial Services 23 Authority to join PaineWebber, just as it was being taken 24 over by UBS, so I ended up leaving that to join 25 a Japanese -- the London branch of the Industrial Bank of</p>

<p>HIGHLY CONFIDENTIAL Page 9</p> <p>1 Japan, which is now part of Masumo Bank. 2 Then, in 2001, I joined RBS, July 2001, RBS. 3 I joined RBS to become a Compliance Clerk, with compliance 4 responsibilities for the RBS offshore branches, which are 5 Jersey, Guernsey, Isle of Man and such like. But in spring 6 2002 my role changed because I was awarded the role of 7 heading what was a brand new function called the Money 8 Laundering Prevention Unit, MLPU. I started that from 9 scratch and I have effectively been doing that role since, 10 although the role has now extended, the global remit of the 11 role has extended, so it is now a global remit rather than 12 just UK. 13 Q. Okay, thank you. Going back to something 14 you said at the beginning of your answer you said that 15 you majored in international relations and economics, is 16 that right? 17 A. Yes. 18 Q. Was the international relations that you 19 studied focused on any particular issue or part of the 20 world? 21 A. No, I would probably say major focus was 22 on NATO, Soviet Union and European Union. 23 Q. What years did you work for the FSA, if 24 you can give an approximation? 25 A. 1997 to 2000.</p>	<p>HIGHLY CONFIDENTIAL Page 11</p> <p>1 complied with UK regulations? 2 A. UK rule book, yes. It was UK conduct of 3 business rules effectively. 4 Q. What position did you hold with 5 PaineWebber? 6 A. I joined PaineWebber, but when I joined it 7 was on its way out, so I actually didn't do very much. 8 So it was three months -- it was the worst role of my 9 life because there was nothing, doing nothing, but I did 10 get made redundant, so it was worth it, so the role was 11 nothing. 12 Q. You said that when you joined RBS, 13 in July 2001, you became responsible for Compliance for 14 RBS's offshore branches, is that right? 15 A. Yes. 16 Q. Did that include compliance with 17 anti-money laundering regulations? 18 A. The focus of the work was on conduct of 19 business roles, kind of trading roles, insider trading 20 and sort of recording of transactions, that type of 21 thing, just in general securities kind of compliance. 22 Nothing was money laundering or financial sanctions. 23 Q. Okay. Before you were offered the 24 position to head the newly created Money Laundering 25 Prevention Unit, in spring 2002, what was your</p>
<p>HIGHLY CONFIDENTIAL Page 10</p> <p>1 Q. What did you do for them? 2 A. Just general supervision for -- it ended 3 up being supervision for the major Japanese companies 4 and then latterly the American companies. 5 Q. And then later the American companies? 6 A. American securities houses, so like Morgan 7 Stanley, and I think also I had a little part of Chase 8 Manhattan, as it was called then, the London securities 9 subsidiary of Chase Manhattan. 10 Q. Can you describe for the record what the 11 FSA is? 12 A. Financial Services Authority. At the 13 moment it is the UK's sole financial services regulator, 14 covering all financial institutions regulated in the 15 City of London. 16 Q. When you were regulating or supervising 17 American banks, those were American banks with branches 18 in London, is that right? 19 A. No, these were UK subsidiaries. So it was 20 Morgan Stanley International Limited, which was a UK 21 company, and the same with Chase Manhattan. I think it 22 was Chase Manhattan International Limited, UK subsidiary 23 of Chase Manhattan. 24 Q. And your focus when you were with the FSA 25 was on ensuring that the banks under your supervision</p>	<p>HIGHLY CONFIDENTIAL Page 12</p> <p>1 experience and training with regard to anti-money 2 laundering? 3 A. When I was at the FSA, one of the last 4 jobs I did was to review the money laundering 5 infrastructure which existed within Chase Manhattan 6 International Limited. That was one of my last things 7 to do. Based on that knowledge, I joined -- I had that 8 knowledge, just to clarify, I had that knowledge and 9 then later on I got this job as being Group Head of 10 Compliance for Industrial Bank of Japan. As soon as 11 I got to IBJ, I realized they were facing severe 12 enforcement action from the FSA, because the FSA had 13 instructed them to do something to improve their 14 internal controls regarding KYC, but they had done 15 nothing. They decided to put their head in the sand and 16 did nothing. So I kind of rectified that and helped put 17 it right for them and in the end the enforcement action 18 didn't happen. 19 Q. When you were reviewing the Money 20 Laundering infrastructure for Chase Manhattan, did that 21 infrastructure include within Money Laundering the 22 prevention of terror financing? 23 A. It was purely purely Anti-money 24 Laundering, KYC type of things. KYC, there are criminal 25 laws in the UK about the need to do KYC. Unfortunately,</p>

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1 it is the case that some firms at the time were not
 2 actually complying as well as they could have done, so
 3 that is why I was reviewing -- sanctions and terrorism
 4 just didn't apply. This was 2000 --
 5 Q. When you were picked to head the MLPU, and
 6 if I say that you will understand I mean Money
 7 Laundering Prevention Unit?
 8 A. Yes.
 9 Q. In 2002, did you get any training in
 10 Anti-money Laundering or Terror Financing Compliance
 11 measures?
 12 A. I got general training, joining various
 13 industry courses. The British Bankers Association held
 14 Money Laundering courses and such like, but certainly
 15 mostly it was a chance for me just to get stuck in
 16 really, because there was things to do. It was fairly
 17 obvious there was things to do.
 18 Q. When you say you joined various industry
 19 courses, you mean you enrolled in courses?
 20 A. Yes. Obviously they advertise courses for
 21 Money Laundering professionals, and they are quite
 22 regular, so you would say: "Okay, I would like to do
 23 that course."
 24 Q. Do you remember any particular courses?
 25 A. They were all generic, nothing was

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1 specialist.
 2 Q. And these were courses that were provided
 3 by the British Bankers Association?
 4 A. Yes. It could be Linklaters had a course,
 5 I was briefly on it. Again, it was for everyone, it was
 6 not specialized. It was for the market on a generalist
 7 kind of basis. Nothing was bespoke or in depth.
 8 Q. When did you first take one of those
 9 courses?
 10 A. I can't recall.
 11 Q. Is that something you have been doing
 12 throughout your career or just after you became head of
 13 the MLPU?
 14 A. You always maintain your technical
 15 knowledge, as things happen, particularly the UK focus,
 16 because that is our primary responsibility is UK, but
 17 also we need to be aware of developments in other
 18 regions of the globe.
 19 Q. When you got the job as head of the MLPU
 20 at RBS, what was your understanding of your
 21 responsibilities?
 22 A. You said "Head of MLPU at RBS". That is
 23 misleading because it was not RBS, it was what was
 24 called Corporate Banking Financial Markets Division of
 25 RBS, so it is different from RBS. My role was to ensure

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1 the best degree of compliance with three strands which
 2 were under my control, which were the sanctions, the
 3 money laundering, anti-money laundering and the data
 4 protection, which was a bit of an outlier, but that was
 5 there as well.
 6 Q. At that point did your responsibility for
 7 anti-money laundering also encompass measures to combat
 8 terror financing?
 9 A. Yes, terror financing.
 10 Q. Did you receive any particular training in
 11 terms of combating terror financing?
 12 A. Not more than what I have already
 13 described, like the training courses I did. When I took
 14 the role, there were various courses which are out there
 15 in the marketplace, so generalist courses, nothing
 16 specific.
 17 Q. You said that you were head of the MLPU
 18 for the Corporate Banking and Financial Markets
 19 Division, is that right?
 20 A. Yes.
 21 Q. Did each division of RBS have its own MLPU
 22 as of 2002?
 23 A. Each division of RBS will have had
 24 different arrangements. The view within CBFM was to
 25 create a centralized team, which was a center of

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1 excellence really effectively for the division. Other
 2 divisions tended to have smaller teams throughout the
 3 business. The CBFM took the view it was better, one
 4 centralized team that had overall responsibilities,
 5 which I think was the right decision.
 6 Q. When you say it was a center of excellence
 7 for the division, what do you mean by that?
 8 A. It was the one team within the division
 9 which was the team which was responsible for compliance
 10 with AML and sanctions, and can be regarded as the kind
 11 of -- it is the one team that is the undoubted authority
 12 for compliance, and if there was anything we could not
 13 do, we would obviously escalate it to Group or whatever
 14 else.
 15 Q. And you believe from your experience that
 16 this system with the centralized team is more effective
 17 in Anti-money Laundering Compliance than the more
 18 diffuse authority that was in the other divisions?
 19 A. Yes, I think so. Other divisions followed
 20 the CBFM approach to have more centralized, so I think
 21 it was recorded as being the way forward. So I don't
 22 think there is any part of -- to this day I don't think
 23 there is any part of the Group which would want to turn
 24 back the clock, having a diffuse way to manage AML,
 25 because the skills are fairly specialist and you cannot

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1 Q. Who did you report to when you began as
 2 the manager of the MLPU?
 3 A. Ultimately the Head of GBFM Legal that
 4 I reported to. No sorry, GBFM is what it is now called.
 5 CBFM and Legal, sorry. She was head of CBFM Legal and
 6 Compliance but her role was head of CBFM Legal.
 7 Q. You reported to the head of CBFM Legal and
 8 Compliance?
 9 A. Yes.
 10 Q. Who was that in 2000?
 11 A. That was Helen Cockcroft.
 12 Q. Did you have a dotted line reporting
 13 responsibility to anyone else?
 14 A. I would have had dotted reporting lines
 15 into the Group functions, so possibly that would be
 16 Amanda Holt, Head of Group Enterprise and Risk, and she
 17 was overall in charge of AML at Group level, but that
 18 was only a dotted line rather than a solid line. I was
 19 very much a CBFM man, not a Group person.
 20 Q. How long did you report to Ms Cockcroft?
 21 A. RBS divisions are in a state of constant
 22 revolution. It changes all the time. I think Helen's
 23 era ended middle of 2003, and ended up changing to
 24 someone called Alan Greatbatch, who was head of CBFM
 25 Regulatory Risk. Then that moved from head of CBFM

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1 Regulatory Risk to someone called Kevin Love, who was
 2 head of CBFM Enterprise Risk, which is effectively
 3 Operational Risk plus AML. That continued until the
 4 summer of 2008, when my reporting line transferred to
 5 someone called Nancy Turner, who was head of Compliance
 6 for the new integrated ABN AMRO RBS function.
 7 Since November last year that has changed to Penny Lamb,
 8 who is the Global Head of Compliance for what is now
 9 called GBM.
 10 Q. Is it fair to say from approximately 2003
 11 to 2008 you reported to Kevin Love, who was head of CBFM
 12 Enterprise Risk?
 13 A. Yes.
 14 Q. Do you know what an MLRO is?
 15 A. Money Laundering Reporting Officer, yes.
 16 Q. And were you or are you now the MLRO for
 17 CBFM?
 18 A. I am not the MLRO for CBFM. No one has
 19 ever been the MLRO for CBFM. However, I am about to be
 20 made MLRO for GBM Money Laundering, but that has not
 21 happened yet.
 22 Q. What is GBM?
 23 A. Global Banking Market, the new name for
 24 Financial Markets.
 25 Q. You understand that MLRO is a position

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1 that was statutorily required of British banks?
 2 A. Yes.
 3 Q. To establish an MLRO?
 4 A. Yes.
 5 Q. And was that true as of the time that you
 6 took over the MLPU in 2002?
 7 A. Yes.
 8 Q. So why was there not an MLRO established
 9 for CBFM?
 10 MR. LUFT: Objection, foundation.
 11 Q. If you know.
 12 A. The reason why there was not, because the
 13 legal obligations on the entity, and the entity is RBS
 14 plc, and that is held by someone else, whereas my CBFM
 15 was only a sub-strata of CBFM, of RBS, sorry.
 16 Q. So was there one MLRO for RBS in 2002?
 17 A. One MLRO for RBS.
 18 Q. Who was that, in or about 2002, if you
 19 recall?
 20 A. I always forget his name. When I first
 21 started it was someone else but then from summer of 2002
 22 it changed to Richard Gossage, who was head of Risk --
 23 the first guy kind of the overlap with me was going back
 24 two or three months, and I don't recall his name.
 25 I would know it if I saw it but I can't recall it.

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1 Q. Was Mr. Gossage the designated MLRO from
 2 whenever he took over in around 2002 until say 2006?
 3 A. I think he was designated MLRO for 2002
 4 until 2005/06, that period.
 5 Q. Did you have any reporting
 6 responsibilities to Mr. Gossage because of his title as
 7 MLRO?
 8 A. No.
 9 Q. What was your understanding of what his
 10 status as MLRO meant, in terms of the AML work you were
 11 doing?
 12 A. I reported into his team, underneath which
 13 was headed by Stephen Foster, and he would then further
 14 escalate that to Richard Gossage, as required. So the
 15 need for me to have a direct reporting line into Richard
 16 did not exist, did not apply.
 17 Q. Did you receive any training about what
 18 the responsibilities of an MLRO were?
 19 A. The responsibilities for the MLRO are all
 20 set out in statute and the FSA Rule Book. I don't think
 21 training is necessarily required. You know what the
 22 role means and what the requirements are.
 23 Q. What are the requirements and what is the
 24 role, to your understanding?
 25 A. The Money Laundering Reporting Officer is

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1 really the main thing which I know. I don't recall
 2 anything else.
 3 Q. Are you familiar with the term "extra
 4 territoriality?"
 5 A. Yes.
 6 Q. Do you know whether US law purports to
 7 place any extra territorial obligations in terms of the
 8 USA Patriot Act or OFAC regulations?
 9 MR. LUFT: Objection, calls for a legal
 10 opinion.
 11 Q. You can answer, unless you are instructed
 12 not to.
 13 MR. LUFT: I am not instructing you not to
 14 answer, just making my objection that it calls for
 15 a legal opinion.
 16 A. The extra territoriality of US laws, it is
 17 an issue which does exist, I know, but something all
 18 firms around the world need to address if they want to
 19 operate within the US market, and then they need to be
 20 aware of these restrictions. I think some of the
 21 prominent ones recently were possible extra territorial
 22 rules being applied.
 23 Q. Do you understand that it is illegal under
 24 US law to help somebody evade OFAC restrictions?
 25 A. I imagine it would be, yes. I am not

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1 certain but it rings true that there would be such
 2 a provision.
 3 Q. Sounds familiar to you?
 4 A. Yes, sounds familiar.
 5 Q. I am going to hand you an exhibit that I
 6 am going to ask the court reporter to mark as Rodger
 7 Exhibit 1.
 8 (Exhibit Rodger 1 marked for identification)
 9 You should feel free to look at this as long as
 10 you want but I am going to call your attention to particular
 11 parts of this. For the record this is Bates stamp NW14458
 12 through 14459. Have you had a chance to look at that?
 13 A. Yes.
 14 Q. Does that appear to be part of an e-mail
 15 chain between various people at the CBFM?
 16 A. Yes.
 17 Q. Can you turn to the first page, NW14458,
 18 please, and look at the e-mail that starts in the middle
 19 of the page sent by Julie French. Do you see that?
 20 A. Yes.
 21 Q. Who is Ms French?
 22 A. That was Ms Aspinall, Mrs Aspinall.
 23 I mentioned Julie Aspinall; her married name is
 24 Aspinall.
 25 Q. Her maiden name was French?

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1 A. Yes.
 2 Q. She worked in the MLPU under you?
 3 A. Yes.
 4 Q. The date of the e-mail is January 7, 2003.
 5 You were head of the MLPU at that time?
 6 A. Yes.
 7 Q. Can you go to the body of Ms French's
 8 e-mail. It says:
 9 "The group list is out of date as sanctions
 10 against Angola have been dropped recently. The Group site
 11 also excludes OFAC countries but due to the international
 12 nature of CBFM's business, MLPU believes that the list
 13 should be inclusive (UN, EU and OFAC sanctioned countries)."
 14 Do you see that?
 15 A. Yes.
 16 Q. Do you have an understanding as to what
 17 "OFAC countries" plural means?
 18 A. Countries, I think basically they are
 19 countries where -- I think OFAC does not designate
 20 countries as such. It is more complex. The provisions
 21 are more complex than that. But certain countries that
 22 America places more restrictions on, has tougher rules
 23 on, and these are the ones that were listed.
 24 Q. And Ms French writes that:
 25 "Due to the international nature of CBFM's

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1 business, MLPU believes the list should be inclusive."
 2 Is that a decision that the list should include
 3 OFAC countries that you recall being involved in?
 4 A. That was a decision that Helen Cockcroft
 5 originally espoused to me back in 2001.
 6 Q. And do you recall why Ms Cockcroft
 7 espoused that position to you in 2001?
 8 A. Basically, for the reasons cited. It is
 9 an international division that we cannot be doing -- we
 10 cannot enter into transactions with countries which the
 11 OFAC has a particular concern with, without being
 12 very -- being aware of the sensitivities. Some
 13 countries, like Cuba, for example, there are no UK
 14 restrictions on Cuba, but obviously there are for the
 15 US. At that time, I mean Cuba -- Cuba is now regarded
 16 just as a no-no country now, but at the time Cuba was
 17 not regarded as being too out of step.
 18 Q. So when you talk about the international
 19 nature of CBFM's business, what do you mean by that?
 20 A. I mean it is basically -- it has got the
 21 operations and countries throughout the globe, and the
 22 US, Singapore, Hong Kong, France, Germany, Italy, Spain,
 23 and that is what I was meaning.
 24 Q. If you look up at the top part of this
 25 page, the first e-mail from someone named Margaret Webb.

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1 right?

2 A. Um hum.

3 Q. And it had been on a previous list sourced

4 from the Bank of England, true?

5 A. Yes.

6 Q. So you understood that there was some

7 overlap between the Bank of England and OFAC lists?

8 A. Yes.

9 Q. That there were certain people that were

10 included on both lists?

11 A. Yes, as you would expect.

12 Q. And you also understood that those lists

13 were not coterminous, true?

14 A. What does "coterminous" mean.

15 Q. There were people on the OFAC list that

16 were not on the Bank of England list and vice versa?

17 A. Yes.

18 Q. Did you understand that sometimes one

19 country, that the UK or the US would list a person or an

20 entity before the other country?

21 A. Yes.

22 Q. These names, the one in English says

23 "Charitable Society to help the Noble Al-Aqsa"?

24 A. Um hum.

25 Q. And under that it says Nusrat Al-Aqsa

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1 Al-Sharif?

2 A. Yes.

3 Q. You understood that those two entities

4 were listed by both Bank of England and OFAC as

5 terrorists, true?

6 A. I see what this says, but if you asked me

7 beforehand I would have said I don't know. I presume

8 this is true. I just don't know.

9 Q. But it is described here as listed by OFAC

10 as SDGT's?

11 A. Yes, but I don't know the name of all the

12 SDGT's. I don't know the names of every one on the Bank

13 of England list. There is a few thousand of them and I

14 don't know them all.

15 Q. Is it fair to say when you received this

16 e-mail, in June 2003, you would have recognized

17 "Charitable Society to help the Noble Al-Aqsa" as an

18 Islamic charity?

19 A. I would have looked at that and would have

20 thought this is a charity to help Al-Aqsa. It sounds

21 very Arab, so I would have thought it was a charity to

22 do with an Arab state.

23 Q. Do you know what FATF is or GAFI?

24 A. FATF, yes.

25 Q. What is that?

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1 A. An interaction task force.

2 Q. Did you as part of your role on the MLPU

3 follow FATF guidance and developments?

4 A. We had regard to them.

5 Q. You had regard to them?

6 A. We would have reviewed the OFAC -- not

7 OFAC, FATF pronouncements, and would have reviewed what

8 FATF had to say.

9 Q. You would have kept abreast?

10 A. We would have kept abreast of it. Not

11 actually every dot and comma that FATF say, unless Group

12 required us to.

13 Q. In the fall of 2001 you were not yet at

14 RBS, correct?

15 A. I had joined July 2001.

16 Q. You joined July 2001.

17 A. Yes.

18 Q. So about two months before the terrorist

19 attacks in the United States?

20 A. Yes, I remember that day well.

21 Q. Did you follow press reports of those

22 terrorist attacks and the subsequent investigation?

23 A. I don't recall I read every detail of

24 press reports. My feeling at the time was it was

25 Palestinian, but I have no real interest to want to know

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1 every single detail of every terrorist organization

2 which might exist within the West Bank or anywhere else

3 in the Arab world.

4 Q. When you say your feeling at the time was

5 it was Palestinian, what do you mean by that?

6 A. You look at who could possibly have

7 perpetrated this and the obvious candidates were Iraq

8 and Palestinian organizations. In my judgment, Iraq

9 would have been unlikely to, because it seemed

10 a terribly big -- to me personally I would have regarded

11 that as being just completely out of line with the

12 normal kind of behaviour you would expect of Saddam

13 Hussain, whereas Palestinians seemed to be the more

14 likely.

15 Q. And why in your judgment did Palestinians

16 seem to be more likely to be behind 9/11?

17 A. I think I would have thought at the time

18 that -- I would have thought there was the continuing

19 terrorist strife within the Palestinian region, which I

20 think possibly these organizations, these terrorist

21 organizations may regard the US as somehow culpable.

22 Why, I don't know. It doesn't make sense to me, but

23 I imagine that they will have a body of thought that

24 they might have said that the US was actually somehow

25 responsible. It could well be actually, in memory, this

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- 1 is jogging my memory, whether I thought Afghanistan
2 might be another source, but it is quite plausible
3 I would have thought Afghanistan as well.

4 Q. You said that you had no real interest to
5 want to know every single terrorist organization which
6 might exist within the West Bank or elsewhere in the
7 Arab world. Did you know of any particular terrorist
8 organizations which existed in the Palestinian
9 territories as of 2001?

10 A. I most certainly -- my feeling at that
11 time would have been Palestinian Liberation
12 Organization, PLO, was the terrorist organization which
13 I would have -- maybe there was other ones which were
14 prominent in the media at the time, but PLO is the clear
15 one.

16 Q. Were you familiar with an organization
17 called Hamas in the fall of 2001?

18 A. I can't recall.

19 Q. Did you become familiar with the
20 organization called Hamas at some point?

21 A. Hamas' position became more prominent as
22 the decade progressed.

23 Q. Okay, and in what way did Hamas' position
24 become more prominent?

25 A. I think it was commonly regarded as being

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- 1 a terrorist organization, not just by the US but also
2 the EU as well.

3 Q. Were you aware of -- are you familiar with
4 the word "Intifada"?

5 A. Yes.

6 Q. And what do you understand that word to
7 mean?

8 A. Palestinian uprising against Israeli
9 occupation.

10 Q. Had you in 2001 heard that an Intifada was
11 ongoing in the Palestinian territories and in Israel?

12 A. I can't recall.

13 Q. Do you recall an attempt to solve the
14 Palestinian/Israeli dispute by President Clinton in or
15 about 2000?

16 A. Yes.

17 Q. Do you recall that was unsuccessful?

18 A. Yes.

19 Q. Do you recall a round of violence breaking
20 out after that?

21 A. I recall Bill Clinton tried to do that
22 before he left office. He was unsuccessful. He blamed
23 Yasser Arafat, I think it was, and the repercussions of
24 that I do not recall.

25 Q. Do you recall reading or hearing about

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- 1 various suicide bombings in Israel between 2000 and
2 2003?

3 A. There would have been suicide bombings,
4 but none particularly stand out, but I am aware that
5 there was an awareness that there were suicide bombings
6 and terrorism and such like Intifada kind of uprising,
7 so it was unstable at that period. The exact times of
8 when things happened, I don't recall the timescales.

9 Q. Do you recall a FATF summit or a meeting
10 in or about October 2001 on what financial institutions
11 could or should do to combat terror financing?

12 A. I recall that FATF did get together to
13 discuss what is going to happen about it, try and
14 prevent further events of 11 September 2001, and that
15 was really a conference to try and address the various
16 things, how the banks round the world can try and
17 improve their procedures, and Special Recommendations.

18 Q. So you are familiar with the Special
19 Recommendations that FATF issued coming out of that
20 conference?

21 A. Yes, I have got an over -- a very, very
22 high level understanding of them. In terms of the
23 actual detail, no.

24 Q. Do you have a general recollection that
25 one of the Special Recommendations dealt with the use of

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1 charities as fronts by terrorist organizations?

2 A. It would not surprise me if there was
3 a Special Recommendation on charities.

4 Q. Did you recognize in late 2001 and in 2002
5 that terror funding by Islamic charities was a typology
6 identified by FATF?

7 A. Again, I don't know for sure but it would
8 not surprise me if that was a typology identified by
9 FATF. It is in line with my knowledge of the FATF
10 Special Recommendations, so it would have been the kind
11 of thing that they would have done.

12 Q. You said earlier that the bank would not
13 necessarily -- I think you were talking about the bank,
14 maybe you were talking about just the MLPU, would not
15 necessarily follow every comma from FATF
16 recommendations. Do you recall that?

17 A. Yes.

18 Q. How would you use FATF Special
19 Recommendations to inform your work, as head of the
20 MLPU?

21 A. You would have regard to the Special
22 Recommendations. You would have an understanding of it.
23 You would consider them, but I think basically we would
24 have regarded the kind of developments on that front to
25 really need to require to stem from Group Compliance,

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1 because they are the ultimate people that direct the
 2 Group.
 3 Q. Did Group Compliance issue any guidelines
 4 or communications with respect to the Special
 5 Recommendations on terror financing that FATF came out
 6 with?
 7 A. I don't recall, but again it is quite
 8 plausible that they would have done.
 9 Q. But sitting here today you don't recall
 10 what those were?
 11 A. I can't recall, no. I get so many e-mails
 12 and communications, you know, they all blend into -- we
 13 are talking about 2001/2002.
 14 Q. I understand. Throughout the day I am
 15 just asking for your best recollection on these
 16 questions.
 17 A. Everything you say does kind of -- would
 18 seem the kind of thing they would do, but for me to sit
 19 here and say, "Yes, this definitely happened",
 20 I couldn't say, I don't know.
 21 Q. Are you familiar with a database used by
 22 RBS called Goalkeeper?
 23 A. Yes.
 24 Q. Did you have access to the Goalkeeper
 25 database when you were manager of the MLPU?

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1 A. I had access to Goalkeeper database
 2 intermittently in the period 2001 to, say, 2006, but not
 3 since that, but I never really referred to it. Other
 4 people in my team used to do it, so I just -- if I
 5 wanted someone to search Goalkeeper I would ask
 6 a colleague to do it for me.
 7 Q. When you say you had access intermittently
 8 in the period 01 to 06, what do you mean by that,
 9 intermittently?
 10 A. You would get access to it. If you don't
 11 use it often enough in a particular period of time your
 12 access is removed, so you have to then apply for more
 13 access. So ultimately I just decided we will not bother
 14 going down the route of getting access because -- just
 15 rely on other people to do it for me.
 16 Q. In those periods of time when you did have
 17 access, did you actually at least on occasion use
 18 Goalkeeper?
 19 A. Very occasionally.
 20 Q. And on those very rare occasions when you
 21 used it, do you recall what kind of things you used it
 22 for?
 23 A. It could have been that when we were
 24 on-boarding a customer or came across a customer name,
 25 and just to see if there was anything on that which

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1 would have import. It was in general corporate
 2 customers because it was more likely to be fairly
 3 detailed information on corporates.
 4 Q. You understood that Goalkeeper had
 5 a search capability where you could look for
 6 a particular customer and see if any prior reports had
 7 been created on that customer?
 8 A. Yes.
 9 Q. And you understood that you could search
 10 by various fields?
 11 A. Yes.
 12 Q. Including the name of the customer?
 13 A. Yes.
 14 Q. Name of the principals for that account?
 15 A. The search methodology of Goalkeeper is
 16 absolutely very, very poor, so I don't really know
 17 whether you can search on individuals. Maybe you can,
 18 but it is not the best. So it could well be that the
 19 individuals, if you know who the individuals are you can
 20 search for them, but I doubt if you search on one
 21 organization you will be able to -- they will have
 22 a link to the directors of that organization. I don't
 23 know whether that would be the case. I think you would
 24 have to do a brand new search.
 25 Q. Okay. When you say that the search

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1 methodology is "absolutely very, very poor", what makes
 2 you say that?
 3 A. There is only one Irvine Rodger who exists
 4 in the UK. They put my name into Goalkeeper and it
 5 comes up with -- I think it was 120 possible matches,
 6 and needless to say all 120 were false positives. But
 7 they put my full name on, I am the only person on the
 8 electoral register in the UK, plus my date of birth, and
 9 they still get that number of matches, which means the
 10 searching on it is not the best.
 11 Q. I see. Have you actually done that search
 12 for "Irvine Rodger" on Goalkeeper?
 13 A. Yes. It is one of my favorite anecdotes
 14 when I am saying that Goalkeeper needs to be improved.
 15 One of my things is -- my name, I am the only one on the
 16 electoral register, how can it be my name gives 120
 17 false positives, none of them being true positives?
 18 I wouldn't be sitting here just now if they are.
 19 I would have been sacked if there ever was a real
 20 positive match.
 21 Q. I imagine that is true. Do I understand
 22 your testimony correctly that on most occasions when
 23 Goalkeeper was used by the MLPU it would be someone else
 24 using Goalkeeper, perhaps at your direction?
 25 A. When we worked with Goalkeeper, Goalkeeper

<p>HIGHLY CONFIDENTIAL Page 77</p> <p>1 actual match and needs to be reported to Group and to 2 the authorities? 3 A. So what was the question again, please, 4 sorry? 5 Q. Whether the MLPU would, when they were 6 investigating potential matches to the list, look to see 7 if there were any previous investigations on that 8 particular customer? 9 A. Clearly, if there was an actual match then 10 that would be the case, but if it was a false positive 11 then that wouldn't be required. 12 Q. Do you see on page 142 where it says 13 "Phase 4"? 14 A. Yes. 15 Q. It says: "Objective: to review all the 16 evidence held in respect of names where Phase 3 due 17 diligence has been undertaken." 18 A. Um hum. 19 Q. And then under there it says: "Reference 20 to a 'Cross Business' Panel, or equivalent". 21 A. Yes. 22 Q. Are you familiar with that phrase, a 23 "Cross Business Panel"? 24 A. No. 25 Q. It says here: "A Cross Business Panel</p>	<p>HIGHLY CONFIDENTIAL Page 79</p> <p>1 that Legal would be consulted, other times Operational 2 Risk. It depended on the case itself. Obviously, if it 3 was a case there Operations would not have had any 4 insight into it then there was no relevant need for 5 this. 6 Q. Why didn't you ever assemble a Cross 7 Business Panel with representatives from all of those 8 divisional functions? 9 MR. LUFT: Objection, calls for speculation, 10 lack of foundation. 11 Q. You can answer. 12 A. When there are exact matches, it is clear 13 that it is an exact match, in my opinion, there is 14 little benefit from compiling five people to 15 a conference to discuss something, where the answer 16 actually -- the result is clear. If I were to do that I 17 can imagine that that would be communicated to me, there 18 was no benefit to be gained. 19 Q. You can put that exhibit down now, Mr. 20 Rodger. Are you familiar with a CBFM customer called 21 Interpal? 22 A. Yes. 23 Q. Also known as the Palestinian Relief and 24 Development Fund? 25 A. Yes.</p>
<p>HIGHLY CONFIDENTIAL Page 78</p> <p>1 should consist of appropriately senior representatives 2 from relevant business areas, and the following 3 divisional functions, as appropriate." 4 Then it lists five different divisional functions. 5 Do you see that? 6 A. Yes. 7 Q. Did you in your work as head of the MLPU 8 ever assemble a Cross Business Panel or equivalent that 9 consisted of representatives from those divisional 10 functions? 11 MR. LUFT: Objection, foundation. 12 A. Do I answer? 13 Q. Yes, please. 14 A. Sorry. 15 MR. LUFT: For clarity, if I think you should 16 not answer I will instruct you not to answer. 17 A. Okay, yes. Remind me what the question 18 was, please. 19 Q. Whether you in your work as head of the 20 MLPU ever assembled a "Cross Business Panel or the 21 equivalent" that consisted of representatives from these 22 divisional functions? 23 A. All five functions together, no. 24 Q. Some of those functions? 25 A. Depending on the case, it could well be</p>	<p>HIGHLY CONFIDENTIAL Page 80</p> <p>1 Q. When did you first hear of Interpal? 2 A. When OFAC designated that as a terrorist 3 organization. 4 Q. How did you hear of OFAC's designation of 5 Interpal? 6 A. I can't recall the exact chain of events 7 but what I do recall is communications from the relevant 8 Group function, advising us that Interpal was a customer 9 of CBFM, and that is how I heard about it. 10 Q. Wouldn't CBFM have advised Group that 11 Interpal was a customer? 12 A. No, because this was a hot hot topic. I 13 think -- my memory has been jogged -- that there was 14 a press article that NatWest had an account with 15 Interpal, and that resulted in Group escalating it down. 16 Q. Was this the first time that one of CBFM's 17 customers was designated a terrorist by OFAC? 18 A. I do not recall any other ones. 19 Q. Had you in or about 2003 heard of 20 a customer of any other division of the bank that was 21 designated an SDGT by OFAC? 22 A. No. 23 Q. When you heard of the designation of 24 Interpal, what was your understanding of what such 25 a designation meant?</p>

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1 MR. LUFT: Objection, vague.
 2 A. OFAC was of the opinion that the account
 3 should be closed, if it was in the US. Obviously, it is
 4 a US office, US function, it was a US organization. If
 5 it was based in New York, it would be closed.
 6 Q. Did you understand that, by designating
 7 OFAC, the Government of the United States was
 8 alleging -- withdrawn. Did you understand that by
 9 designating Interpal as a specially designated global
 10 terrorist that the Government of the United States was
 11 making clear its belief that Interpal was involved in
 12 terrorism?
 13 A. Yes.
 14 Q. Did you talk to anybody at the bank about
 15 the effect of an OFAC listing on a customer of CBFM?
 16 MR. LUFT: I will just caution you that you
 17 should exclude any conversation you may or may not have
 18 had with lawyers. So if it was with a lawyer it is
 19 privileged, otherwise you can answer.
 20 A. Can you remind me what the question was?
 21 Q. Whether you talked to anybody at the bank
 22 about the effect of OFAC listing a customer of CBFM?
 23 A. I do not recall, but it is likely I would
 24 have had -- it would have been referred to. It would
 25 have been referred to when it happened.

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1 Q. Okay. When you say "it would have been
 2 referred to"?
 3 A. What I mean by that is that, just talking
 4 about it hypothetically, when Interpal got designated,
 5 I would have asked the question: "What does this mean
 6 for CBFM?"
 7 Q. To whom would you have asked that
 8 question?
 9 A. I do not recall.
 10 Q. Your attorney noted that there are
 11 questions about communications that you had with
 12 lawyers. He doesn't want you to answer those questions,
 13 okay, so I want to ask you if any of these people are
 14 lawyers or what position these people held with the
 15 bank. Okay, do you know Steve Arkley?
 16 A. No. Arkey or Arkley?
 17 Q. Arkley?
 18 A. Arkley, yes.
 19 Q. Who is he?
 20 A. He is a business manager for the
 21 commercial business of CBFM.
 22 Q. Not an attorney?
 23 A. No.
 24 Q. Julie Aspinall was one of the people who
 25 worked for you?

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1 A. Yes.
 2 Q. Not an attorney?
 3 A. No.
 4 Q. Fiona Miller?
 5 A. Someone from Group, not an attorney.
 6 Q. Did you speak or otherwise communicate
 7 with any of these people after the OFAC designation of
 8 Interpal about the effect of that designation?
 9 A. I do not recall.
 10 Q. Whether or not you recall speaking with
 11 these people, do you recall learning what the impact on
 12 CBFM of such a designation was?
 13 MR. LUFT: Objection, assumes facts not in
 14 evidence.
 15 A. I do not recall.
 16 Q. I am going to hand the court reporter
 17 a document I will ask be marked Rodger Exhibit 7,
 18 please.
 19 (Exhibit Rodger 7 marked for identification)
 20 For the record, this is a printout from the US
 21 Treasury website containing a press release dated August 23,
 22 2003. I am sorry, August 22, 2003.
 23 First, Mr. Rodger, have you ever seen this
 24 document before, whether on paper or on a computer
 25 screen?

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1 A. No.
 2 Q. Did you understand when you found out that
 3 Interpal had been listed by OFAC as an SDGT that the
 4 allegation was that they had raised funds for Hamas?
 5 A. I understood that was the allegation when
 6 I read about -- obviously not by just the Interpal being
 7 an SDGT, I needed to know more information, but I would
 8 have read that was the reason why, so at that point
 9 I did know. Just to clarify, I didn't know
 10 straightaway. I had to know, understand why Interpal
 11 was being listed.
 12 Q. Where would you have gone to for more
 13 information that you needed?
 14 A. The information would have been public
 15 information that Interpal was -- it wouldn't be --
 16 public information in the sense that it was in the -- I
 17 don't recall. Group would have -- just to be clear,
 18 Group would have advised whether it was -- what the
 19 designation meant. I doubt if it hit the media anyway,
 20 so I withdraw the comment that it would have been public
 21 information, because I suspect it wouldn't be in the
 22 public, so I withdraw that.
 23 Q. In August 2003, were you aware that OFAC
 24 had a website?
 25 A. Yes.

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1 Q. Did you go to that website after learning
 2 that one of CBFM's customers had been designated
 3 a terrorist by OFAC?
 4 A. No.
 5 Q. Why not?
 6 A. I don't regard that as being material to
 7 the activities of CBFM, MLPU's business in the UK.
 8 Q. I am sorry, I did not understand that
 9 answer.
 10 A. Maybe I didn't explain it very well. I
 11 didn't regard it as relevant to the UK situation.
 12 Q. You didn't regard what OFAC had concluded
 13 about one of your customers to be relevant to CBFM's
 14 situation?
 15 A. The designation as such was not -- in
 16 actual fact, Interpal was designated by OFAC was
 17 material, because obviously we would have regard to what
 18 OFAC has to say about a customer, but in terms of us
 19 taking action -- perhaps I am going ahead of the
 20 questions -- with regard to possibly exiting the
 21 Interpal account, the relevant authority in the UK is
 22 obviously the Bank of England. That is what I meant.
 23 But obviously OFAC would be relevant, but Bank of
 24 England is --
 25 Q. But when you learned that OFAC had

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1 designated one of your customers a terrorist, didn't you
 2 want to know why OFAC had so designated the customer?
 3 MR. LUFT: Objection, misstates his prior
 4 testimony.
 5 A. The reason for OFAC assessing Interpal as
 6 a terrorist organization, I can't recall exactly what my
 7 train of thought was at the time, but I imagine that
 8 someone on the team would have asked the question.
 9 I would have asked the question of someone on the team
 10 to find out a wee bit more.
 11 Q. And how would that person have found out
 12 "a wee bit more"?
 13 A. Possibly that person --
 14 MR. LUFT: Objection, calls for speculation.
 15 You can go ahead and answer.
 16 A. That person, to be honest, I do not know.
 17 Q. Sitting here today, you don't have any
 18 recollection of asking anybody to find out why OFAC had
 19 decided to designate one of your customers as
 20 a terrorist organization?
 21 A. It was one moment from 9 years ago,
 22 whenever it was, I can't recall.
 23 Q. But this was the only occasion during
 24 your --
 25 A. Yes, but lots of things happen. I don't

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1 just exist to wait for this to happen. If it was the
 2 only thing I had to do, then yes, it would be something
 3 I would recall, but lots of things happen on a daily
 4 basis.
 5 Q. I am going to ask that -- I know it is
 6 hard but I am going to ask that you wait until I am
 7 finished the question before starting your answer, and I
 8 will try to wait until you are done your answer before
 9 I start a question, so the court reporter can get
 10 everything down. Okay?
 11 Would you say that this was an unusual
 12 occurrence, to have one of CBFM's customers designated
 13 as a terrorist by the United States Government?
 14 MR. LUFT: Objection, vague and ambiguous.
 15 A. The designation of Interpal was an unusual
 16 instance. There were no other instances I can recall.
 17 Q. And was the designation of one of your
 18 customers by the United States Government as a terrorist
 19 something that, as manager of the MLPU, was significant
 20 to your job?
 21 MR. LUFT: Objection, vague and ambiguous.
 22 A. It was something that I needed to know,
 23 have knowledge of.
 24 Q. Can you answer my question now?
 25 MR. LUFT: Objection, he did answer the

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1 question. Is there something you are looking for.
 2 Q. I want to know if the designation of one
 3 of your customers by the United States Government as a
 4 terrorist was something that as manager of the MLPU was
 5 significant to your job?
 6 MR. LUFT: Objection, vague and ambiguous.
 7 A. I do not understand what you mean by
 8 "significant".
 9 Q. Important?
 10 A. "Important". It was certainly an
 11 important fact to know that OFAC designation, so
 12 therefore it was important to me that I was aware of
 13 that. I don't know whether that is answering the
 14 question.
 15 Q. Was it important to know, not just the
 16 fact of the designation but the reason for the
 17 designation?
 18 A. Yes, because the designation implied that
 19 the reason for the OFAC's designation was for a purpose
 20 and was for a reason, rather, correction, and it was
 21 important that I understood that reason.
 22 Q. Can you please mark this as Rodger
 23 Exhibit 8.
 24 (Exhibit Rodger 8 marked for identification)
 25 For the record, this is a one page e-mail Bates

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1 The Palestine Development and Relief Fund,
 2 Registered Charity No. 1040094, has now been included on the
 3 Office of Foreign Assets Control (OFAC) list of specially
 4 designated nationals and blocked persons because of alleged
 5 links to Hamas. This organization has been subject to
 6 previous disclosures. The bank has received a freezing
 7 order from the Charities Commission, which effectively
 8 transfers control of the account to the Commission. The
 9 Order Also requires the bank it provide details to law
 10 enforcement of all debit transactions in excess of 10,000
 11 pounds."

12 Did you know in or about September 2003 that
 13 Interpal had been subject to previous disclosures?
 14 A. I don't recall.
 15 Q. If you were aware of this, would you have
 16 gone back and read those previous disclosures?
 17 MR. LUFT: Objection, foundation.
 18 A. Personally, no, but a member of the team
 19 might have perhaps.
 20 Q. Are you done with your answer?
 21 A. Yes, I think so.
 22 Q. Why do you say a member of the team might
 23 have read the previous disclosures?
 24 MR. LUFT: Objection, calls for speculation.
 25 A. I can't recall.

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1 Q. Wouldn't the MLPU -- wouldn't you have
 2 wanted to inform yourself in your group about previous
 3 disclosures that the bank had made to law enforcement
 4 about a customer of yours that had just been designated
 5 a terrorist by the United States?
 6 MR. LUFT: Objection, incomplete hypothetical.
 7 A. I can't recall.
 8 Q. I am handing the court reporter a one page
 9 document that I ask be marked Rodger Exhibit 11.
 10 (Exhibit Rodger 11 marked for identification)
 11 For the record, it is Bates stamped NW014013.
 12 Mr. Rodger, is this an e-mail from yourself to a group
 13 of people in your unit, dated September 23, 2003?
 14 A. Yes.
 15 Q. Is this forwarding the e-mail from
 16 Mr. Hartley that we just looked at, that is Rodger
 17 Exhibit 9?
 18 A. Yes.
 19 Q. So is it fair to say that you forwarded
 20 the Significant Case Commentary from August 2003 to
 21 a number of people in your unit?
 22 A. Yes.
 23 Q. Why did you do that?
 24 A. Communications from Group, I generally
 25 communicate them all to other members, as a matter of

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1 course.
 2 Q. The people on this who you forwarded this
 3 document to, were they all in the Money Laundering
 4 Prevention Unit of CBFM?
 5 A. Yes.
 6 Q. Is there anyone missing from that list or
 7 anyone in the unit who is not included in your
 8 distribution list?
 9 A. It looks complete.
 10 Q. Okay. Did you forward this list to your
 11 unit because you wanted to call their attention to the
 12 CBFM customer who had been designated by OFAC?
 13 A. I do not recall.
 14 Q. I am going to ask the court reporter to
 15 mark this one page exhibit as Rodger 12.
 16 (Exhibit Rodger 12 marked for identification)
 17 Have you had a chance to review that?
 18 A. Yes.
 19 Q. Were you aware that after the OFAC
 20 designation of Interpal the UK Charities Commission
 21 began an investigation?
 22 A. Yes.
 23 Q. And at some point later that investigation
 24 concluded?
 25 A. Yes.

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1 Q. And at that point the Charities Commission
 2 no longer required RBS to clear transactions from those
 3 accounts with the Commission?
 4 A. Yes.
 5 Q. How did you hear about the Charity
 6 Commission's report?
 7 A. Probably from e-mails such as this.
 8 Q. There is no -- this is from Mr. Peter
 9 Richardson?
 10 A. Um hum.
 11 Q. Who is Mr. Richardson?
 12 A. He is what was called Manufacturing, which
 13 was more or less the back office function of RBS, RBS
 14 Group, and he was in the Operational Risk side.
 15 Q. And Mr. Richardson just forwarded you what
 16 appears to be a press report, correct?
 17 A. Yes.
 18 Q. There is no comments from Mr. Richardson
 19 himself in this e-mail, is there?
 20 A. I can't see any.
 21 Q. Do you recall having any discussions with
 22 Mr. Richardson before receiving this e-mail from him?
 23 A. No.
 24 Q. Sitting here today, do you recall
 25 receiving this e-mail from Mr. Richardson?

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1 A. No.
2 Q. Were you aware that the Charities
3 Commission published a report after it concluded its
4 investigation?
5 A. Yes.
6 Q. Did you read that report?
7 A. No.
8 Q. Why not?
9 A. Lots of reports come to my attention. I
10 don't read them all.
11 Q. Do you read some of them?
12 A. I am more likely to read something like
13 this, which is a summary of the key points, not the
14 actual report.
15 Q. When you say this you are talking about
16 this press article that was sent to you by Mr.
17 Richardson?
18 A. Yes.
19 Q. This article, if you go 3 paragraphs from
20 the top says:
21 "The affair has caused uproar among British
22 Muslims who have accused Washington and Israeli
23 authorities of trying to stop the charity's
24 humanitarian work".
25 Did you know in September 2003 that the

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1 Interpal affair had caused uproar amongst British
2 Muslims.
3 A. No.
4 Q. Did you know that British Muslims had
5 accused Washington and Israel of trying to stop their
6 charitable work?
7 MR. LUFT: Objection, assumes facts not in
8 evidence.
9 A. No.
10 Q. If you go down another couple of
11 paragraphs, there is a one line paragraph that starts
12 with:
13 "Officials accused Interpal of being
14 a 'a principal charity utilized to hide the flow of money to
15 Hamas'".
16 Did you know that one of the US allegations at
17 the time that it listed Interpal as a specially
18 designated global terrorist was that Interpal was
19 a principal charity utilized to hide the flow of money
20 to Hamas?
21 A. I don't know for sure but I would imagine
22 that OFAC would have said that.
23 Q. Okay. Do you understand an accusation of
24 hiding the flow of money to an organization implies that
25 Interpal was secretly funneling money to Hamas?

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1 MR. LUFT: Objection, mischaracterizes the
2 document, assumes facts not in evidence.
3 A. No.
4 Q. Would you understand that there is
5 a difference between openly sending money to Hamas and
6 hiding the flow of money to Hamas?
7 A. Yes.
8 Q. And that the American allegation was that
9 Interpal secretly sent money to Hamas, correct?
10 MR. LUFT: Objection, mischaracterizes the
11 document, assumes facts not in evidence.
12 A. I don't know details such as that.
13 Q. If you turn down to the third paragraph
14 from the bottom it says:
15 "The Commission investigated Interpal in 1996
16 because of similar allegations".
17 Do you see that?
18 A. Yes.
19 Q. Did you know in September 2003 about that
20 previous investigation by the Charities Commission in
21 1996?
22 A. I don't know.
23 Q. Did you ever read the report from that
24 investigation?
25 A. No.

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1 MR. GOELMAN: Do you want to take a break now,
2 Mr. Rodger, or keep going for another 10 or 15 minutes?
3 A. We can go for another 10 or 15 minutes.
4 Q. Let me ask the court reporter to mark this
5 as Rodger Exhibit 13, please.
6 (Exhibit Rodger 13 marked for identification)
7 For the record, this is Bates stamped NW013939
8 through 013941. Does this appear to be an e-mail chain that
9 you were copied on in October 2003?
10 A. Yes.
11 Q. If you turn to page 13940, chronologically
12 the first e-mail in this chain was sent on October 9,
13 2003 from Stephen Foster?
14 A. Yes.
15 Q. And that e-mail was not -- you were not a
16 recipient of that e-mail but when you were copied on the
17 e-mail chain you would have received that earlier
18 e-mail. Is that fair to say?
19 A. Yes.
20 Q. Can you turn to the second paragraph of
21 Mr. Foster's e-mail. It states:
22 "However, they have reminded us that [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 A. Which e-mail is this?

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1 Q. Page 13940, the first e-mail
2 chronologically, which is the last e-mail on this
3 exhibit.
4 A. Yes.
5 Q. Referring to the Bank of England,
6 Mr. Foster writes:
7 "They have reminded us that [REDACTED]
8 [REDACTED]
9 Do you see that?
10 A. Yes.
11 Q. Did you have an understanding as to
12 whether payments to Hamas were permitted before the BoE
13 notice of late September 2003?
14 A. No.
15 Q. Do you remember hearing about the BoE
16 notice of late September 2003?
17 A. No. Which notice is this?
18 Q. There is a notice referenced by
19 Mr. Foster, the BoE notice of late September, that
20 [REDACTED]
21 A. I don't recall.
22 Q. Can you go to the e-mail from Derek Brand,
23 right above the e-mail from Mr. Foster. Do you know who
24 Mr. Brand is?
25 A. No.

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1 Q. You don't recognize the name?
2 A. I recognize the name but I have got no
3 idea who he is.
4 Q. Do you recall receiving this e-mail chain?
5 A. No. I got 200 e-mails a day so ...
6 Q. Can you turn to the first page of the
7 exhibit, please. There is an e-mail from Mr. Foster to
8 Tony O'Hear and Ben Norrie. Do you see that?
9 A. Yes.
10 Q. Do you know who Mr. Norrie is?
11 A. I think, from what I recall, he works for
12 Stephen Foster.
13 Q. Mr. Foster writes:
14 "Thanks for this. I think the main concern
15 now is to ensure that no future payment is made to
16 Hamas. With the restrictions lifted, is there any
17 formal (or even informal) monitoring of the traffic?
18 What scope is there to use the filtering technology we
19 have in GBS or Payment Ops to monitor?"
20 Do you have an understanding as to what
21 Mr. Foster was referring to when he talked about the
22 "filtering technology we have in GBS or Payment Ops"?
23 A. It implies that he was referring to
24 payment filtering technologies that are used to identify
25 payments going out of the bank.

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1 Q. And was that filtering technology that the
2 bank had in place in the fall of 2003?
3 A. No.
4 Q. When did that filtering technology come on
5 line?
6 MR. LUFT: Objection, foundation.
7 Q. If you know?
8 A. I can't recall. 2008, 09.
9 Q. Not until 2008 or 09?
10 A. The current incarnation, 2008 or 09.
11 Q. In Mr. Foster referring to filtering
12 technology "we have in GBS or Payment Ops", was there
13 some type of filtering technology that as early as 2003
14 was available in GBS or Payment Ops?
15 MR. LUFT: Objection, foundation.
16 Q. If you know?
17 A. I don't know.
18 Q. Fiona Miller writes an e-mail in the
19 middle of this first page of this exhibit to Mr. O'Hear,
20 and she writes:
21 "In similar cases in the past the customer
22 only Compliance function has been responsible for
23 monitoring. In this case CBFM Compliance - Irvine
24 Rodger/Guy Cole should be able to assist."
25 So is it fair to say that this e-mail was

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1 forwarded to you by Mr. O'Hear to see if you could
2 assist in monitoring Interpal payments going forward?
3 A. I don't know.
4 Q. Mr. O'Hear writes:
5 "Guy/Irvine, is the monitoring of payment traffic,
6 as outlined by Stephen, possible here?"
7 I understand you don't recall getting this e-mail
8 from Mr. O'Hear. Do you remember the issue of whether or
9 not it was possible to monitor Interpal's payment traffic
10 being brought up?
11 A. I am trying to read between the lines of
12 the e-mail and my conclusion is I just do not know.
13 Q. Whether or not you recall the specific
14 episode, do you know whether it was possible to monitor
15 payment traffic of --
16 A. What we did within CBFM was --
17 MR. LUFT: Did you finish the question?
18 MR. GOELMAN: Effectively. Go ahead.
19 A. What we did within CBFM was payments to
20 Interpal were reviewed six months after they were made
21 by Guy Cole, which is akin to what is being referred to
22 here, but obviously that was not realtime, but that was
23 the best that we could do in the circumstances.
24 Q. So was it your -- withdrawn. So
25 Mr. Foster's suggestion about using filtering technology

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1 to monitor and when Mr. O'Hear says "Is that possible?"
 2 here, the answer in October 2003 was "no"?
 3 A. Yes -- no, the answer was no, it was not
 4 possible.
 5 Q. Were you involved in any discussions in
 6 the bank in 2002/03 about acquiring the technical
 7 capability to implement realtime monitoring of payments?
 8 A. No.
 9 Q. So if in 2002 someone, one of RBS's
 10 customers had tried to send money to Osama Bin Laden,
 11 there was no technical way for the bank to intercept
 12 that payment. Is that true?
 13 MR. LUFT: Objection, foundation, calls for
 14 speculation, incomplete hypothetical.
 15 A. I don't know.
 16 Q. You don't know of any filtering technology
 17 that could have stopped payments before they actually
 18 went?
 19 A. There was no --
 20 MR. LUFT: Objection, foundation, calls for
 21 speculation, incomplete hypothetical.
 22 A. No knowledge which I have which would
 23 answer that.
 24 Q. As part of your efforts to stay current in
 25 the Anti-money Laundering field, is it fair to say that

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1 there were banks who in 2003 had the technical
 2 capability to filter transactions in realtime?
 3 MR. LUFT: Objection, foundation.
 4 Q. If you know.
 5 A. I don't know.
 6 MR. GOELMAN: This is a good stopping place to
 7 take a break for lunch.
 8 THE VIDEOGRAPHER: Going off the record at
 9 1:22 pm.
 10 (Break for Lunch.)
 11 THE VIDEOGRAPHER: We are back on the record
 12 at 2:16 pm.
 13 MR. GOELMAN: Good afternoon, Mr. Rodger.
 14 A. Afternoon.
 15 Q. Did you have a chance to get some tea?
 16 A. Yes.
 17 Q. Before we broke, you testified that "What
 18 we did within CBFM was payments to Interpal were
 19 reviewed six months after they were made, by Guy Cole".
 20 Do you recall when that practice was implemented?
 21 A. I don't recall but I imagine it was
 22 subsequent to the Charities Commission investigation
 23 having been concluded. That was the kind of undertaking
 24 the Group gave to the Charities Commission, that that
 25 work could be done.

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1 Q. Do you remember what precipitated the
 2 initiation of that practice?
 3 A. The Charities Commission investigation, I
 4 think Group was keen, because of the seriousness of the
 5 allegations, Group was very keen to review all payments
 6 coming out of Interpal, just to ensure that none of
 7 these payments went to undesirables.
 8 Q. When you talk about the seriousness of the
 9 allegations, you are talking about the seriousness --
 10 A. The OFAC allegations.
 11 Q. That Interpal was funding a terrorist
 12 group?
 13 A. Yes.
 14 Q. I am going to hand the court reporter
 15 a document I will ask be marked as Rodger Exhibit 14,
 16 please.
 17 (Exhibit Rodger 14 marked for identification).
 18 For the record the Bates stamps are somewhat cut
 19 off at the bottom but it is NW17151 through NW17054.
 20 MR. LUFT: From the looks of the document and
 21 from the stamping it looks like this is one chain,
 22 correct, even though there is a staple and then a page
 23 is attached at the end?
 24 MR. GOELMAN: Yes. The reason the page is not
 25 part of the staple is it was stapled upside down so I

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1 took it off and paper clipped it to the pages that were
 2 right side up.
 3 MR. LUFT: So we can just look at this as one
 4 document.
 5 Q. Let me know when you have had a chance to
 6 review this e-mail chain, Mr. Rodger.
 7 A. Okay.
 8 Q. Do you recognize Rodger Exhibit 14 as an
 9 e-mail chain that precipitated the practice of 6-month
 10 reviews of Interpal transfers that you previously
 11 described?
 12 A. I don't recall the specific e-mail but
 13 I do know that Guy Cole started doing 6-monthly reviews.
 14 Q. Does this reflect what caused Mr. Cole to
 15 begin doing those reviews?
 16 MR. LUFT: Objection, foundation.
 17 A. I don't know whether this triggered it but
 18 Guy did 6-monthly reviews thereafter, or not thereafter
 19 but afterwards, after the designation.
 20 Q. And these e-mails are dated from April 21,
 21 2004 through May 20, 2004, true?
 22 A. Yes.
 23 Q. Does that reflect that these reviews that
 24 Mr. Cole performed did not begin until approximately --
 25 the first one was not until approximately nine months

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1 after the OFAC designation of Interpal as an SDGT?
 2 MR. LUFT: Objection, assumes facts not in
 3 evidence.
 4 A. I don't know.
 5 Q. Can you turn to the first e-mail in the
 6 chain, on the last page, from Ben Norrie to Guy Cole and
 7 a number of other people.
 8 A. Um hum.
 9 Q. Do you see that?
 10 A. Yes.
 11 Q. In the middle of this or towards the end
 12 of this e-mail Mr. Norrie writes:
 13 "Can I ask you to investigate whether any enhanced
 14 due diligence has been put in place over these accounts.
 15 Not sure the above has been communicated, therefore suspect
 16 not."
 17 Did you have an understanding in April 2004
 18 what "enhanced due diligence" meant?
 19 A. Yes, enhanced due diligence is a thorough
 20 thorough review of the key principals behind Interpal
 21 and basically the purpose of the account and such like.
 22 Q. Stepping back from the Interpal example,
 23 do you have an idea in general what is your
 24 understanding of what enhanced due diligence means?
 25 A. Enhanced due diligence, what you would do,

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1 you would investigate the key principals, the directors
 2 and beneficial owners. You would also want to -- one
 3 would, rather than saying "you", I will correct that by
 4 saying "one", one would want to understand the nature of
 5 the account, the types of transactions which go through
 6 the account, types of expected account activity, that
 7 type of manner of investigation.
 8 Q. Is it fair to say that enhanced due
 9 diligence includes extra scrutiny of a customer that
 10 there is a reason to be suspicious of?
 11 MR. LUFT: Objection, vague and ambiguous.
 12 A. Not necessarily. When one does enhanced
 13 due diligence one would have regard to previous
 14 suspicions reported.
 15 Q. The bank had an obligation to perform due
 16 diligence on all of its customers, true?
 17 A. Yes, at the time of account inception.
 18 Q. What would require an extra level of
 19 diligence? What would require enhanced due diligence?
 20 A. At that time, which is 2004, the enhanced
 21 due diligence would be triggered by perception of
 22 increased risk.
 23 Q. What kind of increased risk?
 24 A. Increased risk that the customer may cause
 25 the bank.

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1 Q. Does that include increased regulatory
 2 risk?
 3 A. It would include all matters which would
 4 increase the risk of that customer to the bank, so it
 5 would include all factors which would result in
 6 increased risk.
 7 Q. It would include all kinds of risk?
 8 A. Yes. It doesn't -- it is not limited to
 9 one thing; it considers every possibility.
 10 Q. Mr. Norrie writes: "Not sure the above was
 11 communicated, therefore suspect not." In terms of
 12 whether any due diligence was put in place over these
 13 accounts, if Mr. Norrie wrote that on April 21, 2004,
 14 was it accurate that there had been no enhanced due
 15 diligence placed on the Interpal accounts between the
 16 designation by OFAC in August 2003 and when Mr. Norrie
 17 wrote this e-mail in April 2004?
 18 MR. LUFT: Objection, foundation.
 19 A. I really don't know where that comment
 20 came from. I do not understand it.
 21 Q. Let me ask it a different way. Do you
 22 know of any enhanced due diligence measures that CBFM
 23 put in place between August 2003 and April 2004?
 24 A. I don't recall.
 25 Q. If you turn to the second to last page of

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1 this exhibit, Mr. Norrie writes, on May 6, 2004:
 2 "Guy, have not heard back from you on the
 3 below."
 4 Do you see that?
 5 MR. LUFT: If you don't mind, I will just
 6 point to where "Guy" is on the bottom of the page, and
 7 the rest is on the other page.
 8 MR. GOELMAN: Thank you.
 9 A. Okay.
 10 Q. So this reflects Mr. Norrie following up
 11 about two weeks later after his first e-mail, is that
 12 right?
 13 A. Looks like it.
 14 Q. Was it typical for CBFM to simply ignore
 15 enquiries from Group Enterprise Risk?
 16 MR. LUFT: Objection.
 17 Q. Sorry, from Group Risk Management.
 18 MR. LUFT: Objection. Go ahead.
 19 A. I don't think you should say that. No one
 20 knows the reason why there was a delay. It could well
 21 be Guy was out of the office. Who knows? It is just
 22 a totally incorrect assumption.
 23 Q. Okay.
 24 A. Which I don't know whether that is true or
 25 not.

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1 Q. May 6, 2004, Mr. Cole sends an e-mail to
 2 Mr. Norrie. Do you see, right above where you read
 3 before, it says:
 4 "The Relationship Manager is aware of the
 5 potential terrorism connections with this account, and
 6 liaised with Derek Brand during the account freeze."
 7 Do you understand the Relationship Manager to be
 8 a reference to Belinda Lane?
 9 A. Yes.
 10 Q. Why would CBFM want to keep an account
 11 open when it was aware of potential terrorism
 12 connections with that account?
 13 MR. LUFT: Objection.
 14 A. The situation regarding Interpal was that
 15 it hadn't been listed by Bank of England, and one would
 16 presume, which I don't know whether this is the case,
 17 Bank of England would have done its own investigation.
 18 Q. But if as the e-mail states the
 19 Relationship Manager was aware of the potential
 20 terrorism connections, wouldn't that be in itself
 21 a reason for the bank to exit the relationship?
 22 MR. LUFT: Objection, foundation.
 23 A. I do not understand what Guy means.
 24 Q. By "Potential terrorism connections"?
 25 A. Yes.

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1 Q. So do you disagree with the statement that
 2 as of May 6, 2004 Belinda Lane was aware of the
 3 "Potential terrorism connections with the Interpal
 4 accounts?
 5 A. Belinda will have been --
 6 MR. LUFT: Objection, vague and ambiguous,
 7 since he does not understand what that term means.
 8 A. Belinda would have been aware of the OFAC
 9 designation.
 10 Q. Um hum. And do you agree that the OFAC
 11 designation was at least enough to alert the bank of
 12 potential terrorism connections?
 13 MR. LUFT: Objection, foundation.
 14 A. The bank -- I can't speak for how the bank
 15 would have regarded that, to be honest. All I would say
 16 is the bank would be aware of the OFAC designation.
 17 Q. Can you tell me whether you regarded an
 18 OFAC designation as enough to be aware of potential
 19 terrorism connections with regard to Interpal
 20 in May 2004?
 21 A. It is clear to me that OFAC did have
 22 concerns, terrorist connection concerns. Bank of
 23 England didn't, because of their reaction not to list
 24 it. So that is the position that we were in, and Bank
 25 of England was the relevant authority that would

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1 determine how we proceed.
 2 Q. Okay. Did you personally regard an OFAC
 3 designation, and with the understanding that the Bank of
 4 England had not listed Interpal as of May 2004, did you
 5 regard an OFAC designation of Interpal as an SDGT to be
 6 sufficient to at least qualify as awareness of
 7 a potential terrorism connection?
 8 A. The OFAC designation was material because
 9 OFAC had determined that it considered there were
 10 terrorist connections, so that was something that would
 11 have been considered.
 12 Q. And would it in your opinion have been
 13 enough to conclude that there were at least potential
 14 terrorism connections with Interpal?
 15 MR. LUFT: Objection, asked and answered.
 16 A. I think the questions -- OFAC may have
 17 terrorist connections, recorded them, the bank was aware
 18 of these, Bank of England didn't make these connections.
 19 So the OFAC designation would be one view of OFAC but
 20 the material view was the Bank of England one, being
 21 a UK bank.
 22 Q. When you say "the material view of the
 23 Bank of England", what do you mean, "the material view"?
 24 A. It was not a very good word, I realized as
 25 soon as I said it. I realized "material" was not the

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1 right word. Because NatWest/RBS are both UK banks, as
 2 UK banks they need to comply with UK laws. That is what
 3 I meant by "material". "Salient" might have been
 4 a better word.
 5 Q. The salient view is the one of Bank of
 6 England, not of OFAC?
 7 A. Being UK banks, yes.
 8 Q. Reading on, it says:
 9 "Although diligent in their interaction with the
 10 customer, the RM has no ability to filter or efficiently
 11 monitor payments".
 12 So is it fair to say that not only was CBFM aware
 13 of potential terrorism connections with Interpal, it was
 14 also aware that it had no ability to filter or efficiently
 15 monitor payments made by Interpal?
 16 MR. LUFT: Objection, compound, misstates the
 17 document, misstates the prior testimony.
 18 Q. Do you need the question read back to you?
 19 A. Yes, say it again. There was two
 20 questions I think.
 21 (Read back)
 22 A. With regard to the first line, "potential
 23 terrorist connection allegations", I would say with
 24 regard to Interpal, and secondly, for the payments going
 25 out, that is correct, realtime payment filtering was not

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1 A. Dundee. I have got no connection
 2 whatsoever with the good George Galloway, if that is the
 3 next question.
 4 Q. It was not. My question was when you say
 5 that Mr. Galloway was behind Interpal, what did you mean
 6 by that phrase?
 7 A. George Galloway always regarded Interpal
 8 as being his inverted commas 'favorite charity'. He was
 9 a rabble rouser, and that was possibly why I looked at
 10 the Internet to see what it was, because he was a rabble
 11 rouser. I just wanted to see if he was rousing the
 12 rabble.
 13 Q. And how did you come to learn that
 14 Interpal was Mr. Galloway's favorite charity?
 15 A. He commented on it on television. He
 16 appeared on a reality TV program called Celebrity Big
 17 Brother, and he made a complete fool of himself but he
 18 said that he would give his appearance money to
 19 Interpal, which I think was 75,000 pounds.
 20 Q. Do you recall when that was?
 21 A. That would have been January 2006.
 22 Q. And was it after you were already familiar
 23 with Interpal?
 24 A. Yes.
 25 Q. Mr. Norrie writes:

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1 "Are the CBFM MLPU happy with the potential risks
 2 in continuing this relationship."
 3 Do you see that?
 4 A. Where is that?
 5 Q. The last line of the e-mail from Mr.
 6 Norrie to Mr. Cole that we were reading.
 7 A. Yes.
 8 Q. And the MLPU refers to the unit that you
 9 were a manager of?
 10 A. Yes.
 11 Q. Did you have an understanding in May 2004
 12 of what the potential risks in continuing a relationship
 13 with Interpal were?
 14 MR. LUFT: Objection, vague.
 15 A. I would ask the question what did Ben mean
 16 by "potential risks", because I don't know what he means
 17 by "potential risks".
 18 Q. Without regard to what Mr. Norrie meant,
 19 did you have any idea in May 2004 whether there were
 20 potential risks for the bank in continuing with the
 21 relationship with Interpal?
 22 A. The major risk would be that Bank of
 23 England, the bank had made a wrong judgment on Interpal,
 24 and actually it was somehow managing to fund Hamas, and
 25 that would have been very, very poor if that was the

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1 case.
 2 Q. "Very, very poor"?
 3 A. We felt that we had put these transaction
 4 reviews going through that we were actually satisfied
 5 that was not happening.
 6 Q. And when you say it would have been very,
 7 very poor if that was the case --
 8 A. "Poor" was an understatement.
 9 Q. And you are talking about the potential
 10 risk of a bank's customer sending money to a terrorist
 11 group?
 12 A. Not as -- yes, but the bank's customer,
 13 the bank facilitating a customer making a payment to
 14 a terrorist group, and that was what would be the risk.
 15 Q. Can you turn to the second page of this
 16 document, the e-mail from Mr. Cole to Mr. Norrie. The
 17 second paragraph begins with "I realize". Do you see
 18 that?
 19 A. Yes.
 20 Q. "I realize, due to the US terrorist
 21 designation of Interpal, that we should be wary of the
 22 payments from their accounts with us, but in reality I
 23 believe there is very little we can effectively do to
 24 prevent payments being made without a payment filtering
 25 system, as the customer can initiate payments themselves

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1 without needing to contact the RM."
 2 Do you see that?
 3 A. Yes.
 4 Q. Did you agree in May 2004 that due to the
 5 US terrorist designation of Interpal the bank should be
 6 wary of payments from the Interpal accounts?
 7 A. The OFAC designation was significant, and
 8 the very fact that we were reviewing the transactions
 9 indicated that we wanted to make sure that we were on
 10 top of them, we meaning MLPU on behalf of our, well, RBS
 11 Group, I suppose.
 12 Q. Are you done with your answer, sir?
 13 A. Yes, I have finished.
 14 Q. The second part of that sentence, Mr. Cole
 15 says:
 16 "In reality I believe there is very little we can
 17 effectively do to prevent payments being made without
 18 a payment filtering system."
 19 Do you see that?
 20 A. Yes.
 21 Q. Did you agree with that in May 2004?
 22 A. Yes.
 23 Q. Does that imply a disconnect between what
 24 the bank should be doing and what the bank can do in
 25 respect to ensuring that Interpal does not send money to

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1 terrorist organizations?
2 MR. LUFT: Objection, vague and ambiguous and
3 calls for speculation.
4 A. I don't know really.
5 Q. Mr. Cole writes in the next paragraph:
6 "I think any decision to keep/close the account
7 must be carefully made, as closing the account without an
8 identifiable reason will most probably result in adverse
9 media attention. Also, if a terrorism related payment is
10 identified as being made, we again would suffer untoward
11 regulatory/media attention".
12 Did you understand in May 2004 that it was
13 CBFM's decision as to whether or not to allow Interpal
14 to continue to bank with RBS?
15 A. The decision to allow the account to stay
16 open would ultimately have rested with the Group
17 Compliance team. They are the people that have got the
18 power. CBFM, from a business angle, whether they wanted
19 to continue operating the account, the advice my team
20 gave was that we could manage the account.
21 Q. But you are saying that the ultimate
22 decision on whether or not to allow Interpal to continue
23 to bank with RBS was not CBFM's, is that correct?
24 A. Yes.
25 Q. It was Group's?

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1 A. If Group didn't want the account to remain
2 open, it would be within Group's gift to say "No, close
3 it."
4 Q. And you would have had to comply?
5 A. We would have had to comply.
6 Q. Mr. Cole writes you and others that:
7 "Closing the account without an identifiable
8 reason will most probably result in adverse media
9 attention."
10 Did you have an understanding -- first of all, did
11 you agree with that in May 2004, that closing the account
12 without an identifiable reason would probably result in
13 adverse media attention?
14 MR. LUFT: Objection.
15 A. Yes.
16 Q. And why was that your belief?
17 A. The position of the Muslim minority in
18 this country. They generally feel isolated and
19 sidelined and they would regard a national bank closing
20 down what they would regard as a good Muslim charity as
21 an aggressive act. You have got people like George
22 Galloway who would highlight that to the media. It was
23 unnecessary in my mind because the charity itself was
24 operating, as far as we could tell, were operating well.
25 Q. When you say "an aggressive act", what do

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1 you mean by that?
2 A. What is the context of me saying that?
3 Q. "The Muslim minority would regard
4 a national bank closing down what they would regard as a
5 good Muslim charity as an aggressive act?
6 A. I think I would say, first of all,
7 elements of the Muslim minority, by no means the whole
8 Muslim minority, they would regard it as another example
9 of a Muslim organization being picked on.
10 Q. Were you concerned about being accused
11 of -- strike that. Were you concerned about the bank
12 being accused of anti-Muslim discrimination, if it
13 ordered the account closed?
14 A. The answer to that is no, if there was
15 grounds for it to close then there would be absolutely
16 no problem at all, but if there were no grounds then
17 potential.
18 Q. There is a potential to be accused of
19 being bigoted against Muslims?
20 A. Yes.
21 Q. And that was something that you were
22 concerned about in May 2004?
23 A. If I just go back, the way the questioning
24 is going is not helpful. A closure of Interpal without
25 reason would not be -- could be perceived to be bigoted

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1 to Muslims.
2 Q. Was that a concern of yours in May 2004?
3 A. I suspect it was something which I would
4 have believed, yes.
5 Q. You have talked about an identifiable
6 reason to close the account and how the absence of such
7 a reason might result in adverse publicity, correct?
8 MR. LUFT: Objection, misstates his prior
9 testimony.
10 A. Just to make it clear, closing the
11 account, the account would be closed without any
12 hesitation if grounds were there to close it, regardless
13 of any Muslim feeling. There is no way would that
14 account be kept open if the account was -- Interpal was
15 funding Hamas.
16 Q. Earlier you said the answer to that is
17 "No, if there was grounds for it to close there would be
18 absolutely no problem at all, but if there are no
19 grounds then the potential", and something about being
20 accused of being bigoted against Muslims. So is it your
21 belief that if there was an identifiable, as Mr. Cole
22 calls it, an identifiable reason to close the account,
23 then the bank would not be risking that backlash that
24 you described?
25 MR. LUFT: Objection, misstates the prior

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1 testimony, confusing.
 2 A. The bank would not keep the account open
 3 if it was funding terrorism, end of story, absolutely no
 4 doubt.
 5 Q. My question was whether you believed
 6 in May 2004 that if there was an identifiable reason for
 7 the bank to close the account then there wouldn't be the
 8 same risk of negative publicity that you talked about
 9 for if the bank closed it without an identifiable
 10 reason?
 11 A. If there was an identifiable reason to
 12 close the account then there would be no concerns
 13 regarding the Muslim minority. It would be irrelevant,
 14 because the key thing is the financing of terrorism.
 15 Q. And you did not regard the designation by
 16 OFAC of Interpal as an SDGT to be an identifiable reason
 17 to close the account. Is that true?
 18 A. It was Bank of England did not regard then
 19 that designation as being a reason to list Interpal. It
 20 was not my decision. I am not GOFI. The resources of
 21 Bank of England and OFAC can make that judgment, so all
 22 you can do is rely on others that do.
 23 Q. Are you saying that the only identifiable
 24 reason to close the account would be if Bank of England
 25 listed Interpal as a terrorist organization?

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1 MR. LUFT: Objection, misstates his prior
 2 testimony.
 3 A. If Bank of England decided to list that
 4 account there wouldn't be a debate, the account would be
 5 closed. Regardless of any disquiet in the Muslim
 6 community, it would be closed, end of story. Without
 7 that Bank of England decision, the UK Government
 8 presumably did not regard Interpal as being an account
 9 worthy of closure, and I don't know the circumstances,
 10 but European Union didn't follow OFAC either.
 11 Q. If the Bank of England or the European
 12 Union had listed Interpal as a terrorist organization,
 13 the bank would have been compelled to close the account,
 14 true?
 15 A. Yes.
 16 Q. It wouldn't have required any use of
 17 judgment on the bank's part, right?
 18 A. Yes.
 19 Q. You wouldn't have had any discretion to
 20 leave the account open, true?
 21 A. Yes.
 22 Q. My question is, are there identifiable
 23 reasons to close the account, even if you are still
 24 legally entitled in the UK to operate the account?
 25 MR. LUFT: Objection, vague.

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1 A. I don't know.
 2 Q. Can you look at Mr. Foster's e-mail right
 3 above the e-mail we were just looking at. He writes:
 4 "Guy, Ben is away all week so I am replying on
 5 this. You are correct that filtering is a group wide issue
 6 and that is why we have been working with key stakeholders
 7 like Payment Operations to develop the policy and
 8 capability. This continues and we know that it is a very
 9 important element of our counter-terrorism efforts".
 10 Would you agree that filtering is a very important
 11 element of counter-terrorism efforts?
 12 A. Yes.
 13 Q. And nevertheless is it true that
 14 in May 2004 RBS didn't have filtering capability?
 15 MR. LUFT: Objection, mischaracterizes the
 16 document.
 17 A. RBS Group didn't have filtering
 18 technologies back in 2004, not adequate ones.
 19 Q. And that was more than two and a half
 20 years after the attacks of 9/11?
 21 A. Yes.
 22 Q. Was that a concern to you, in May 2004?
 23 A. The fact that the bank didn't have
 24 filtering arrangements in place at that time was not out
 25 of line with the other players in the UK market.

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1 Q. Was the bank's lack of that capability of
 2 concern to you, in May 2004, as head of the MLPU?
 3 A. I don't recall.
 4 Q. Mr. Foster goes on to write Mr. Cole,
 5 last sentence in the second paragraph:
 6 "You are right to highlight the reputational
 7 issues but if management decide they don't want the
 8 relationship, there are ways to exit that might not
 9 cause a problem."
 10 When you received this e-mail from Mr. Foster
 11 in May 2004, did you understand him to agree with
 12 Mr. Cole that reputational issues to the bank were
 13 important?
 14 MR. LUFT: Objection, misstates the document.
 15 A. I honestly do not recall.
 16 Q. Mr. Foster writes:
 17 "There are ways to exit that might not cause
 18 a problem."
 19 Do you see that?
 20 A. Yes.
 21 Q. Do you know what ways to exit Mr. Foster
 22 had in mind?
 23 A. Absolutely no idea. I would be
 24 interested. I would like to ask that question to
 25 Mr. Foster.

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1 familiar with. He says here that is what he did so ...
 2 Q. Let me go on to the next paragraph.
 3 "I am content to leave the sterling and euro
 4 accounts operating with a semi-annual review taking place
 5 for foreign payments made from the accounts."
 6 Do you see that?
 7 A. Yes.
 8 Q. "Consideration will need to be given
 9 regarding the operation of the US dollar account, as
 10 funds from this account will get frozen if they are
 11 transferred by a US domiciled/owned counterparty."
 12 A. Yes.
 13 Q. Did you understand when you got this
 14 e-mail that Mr. Cole was recommending at least
 15 considering shutting down the US dollar account that
 16 Interpal maintained at RBS?
 17 MR. LUFT: Objection, misstates the document.
 18 A. The implication is that he did make that
 19 recommendation.
 20 Q. And the reason for that recommendation is
 21 that Mr. Cole was concerned about Interpal's funds being
 22 frozen by the United States Government?
 23 A. The effect of maintaining the US dollar
 24 account would result in the funds being frozen in the
 25 US.

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1 Q. And Mr. Cole's suggestion was to avoid
 2 that happening, is that right?
 3 MR. LUFT: Objection, misstates the document,
 4 calls for speculation.
 5 Q. Is it your understanding that Mr. Cole
 6 wanted the bank to help prevent the United States
 7 Government from seizing Interpal's money?
 8 MR. LUFT: Objection, calls for speculation.
 9 A. The effect of the OFAC designation meant
 10 that the funds would be blocked in the US.
 11 Q. And was it your understanding Mr. Cole's
 12 suggestion that the bank should consider shutting the US
 13 dollar account to be motivated by an effort to prevent
 14 that freezing from occurring?
 15 MR. LUFT: Objection, confusing, misstates the
 16 document, lack of foundation.
 17 A. The one thing I just want to say is that
 18 no way would we -- would Guy Cole want to make an
 19 arrangement that would circumvent the OFAC rules for
 20 dollar funding, but the actual fact of having the dollar
 21 account meant that the payments would get blocked. I
 22 think you said in an earlier statement, you said I think
 23 a statement about, the statement before last was
 24 implying that we were doing something to try and get
 25 round the US Government. It was not really the case of

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1 what we were doing. It was more of a factual thing,
 2 that the you US dollar payments would get blocked. So I
 3 don't think -- I would not describe it as trying to get
 4 round the US Government.
 5 Q. How would you describe your understanding
 6 of why Mr. Cole wanted the bank to consider shutting
 7 down the US dollar account?
 8 MR. LUFT: Objection, foundation.
 9 A. I don't know.
 10 Q. You recognize that shutting the US dollar
 11 account would have the effect of preventing Interpal's
 12 transfers from being frozen by the US Government, true?
 13 MR. LUFT: Objection, misstates his prior
 14 testimony.
 15 A. The effect of the OFAC Interpal -- the
 16 OFAC designation meant payments in the US would get
 17 blocked.
 18 Q. And if the bank shut down the US dollar
 19 account that Interpal maintained with RBS, then that
 20 freezing that you described couldn't happen, true?
 21 MR. LUFT: Objection, vague and ambiguous, no
 22 foundation.
 23 A. All I would say again, as I said before,
 24 the OFAC designation would result in the payments being
 25 blocked in New York.

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1 Q. If they were US dollars?
 2 A. US dollar.
 3 Q. US dollar denominated transactions?
 4 A. Yes. So it would have -- the effect of
 5 having the US dollar account meant the payments would be
 6 blocked in New York.
 7 Q. And the effect of closing the US dollar
 8 account means that payments wouldn't be blocked in New
 9 York, correct?
 10 MR. LUFT: Objection, calls for speculation,
 11 incomplete hypothetical, mischaracterizes prior
 12 testimony.
 13 A. I don't know.
 14 Q. You do not know whether the effect of not
 15 having a US dollar account open would mean that the
 16 payments could not get blocked by OFAC?
 17 MR. LUFT: Which payments? Are we talking
 18 about if there is no US dollar account?
 19 MR. GOELMAN: My question stands. It is clear
 20 from the previous answer what I am asking.
 21 MR. LUFT: Objection, incomplete hypothetical,
 22 calls for speculation.
 23 MR. GOELMAN: You can answer.
 24 A. I would really appreciate if you would
 25 just roll back the time and get the question right from

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1 the beginning, because it seems to be a question that
 2 leads on to another and I have lost the plot of where
 3 the original question arose.
 4 Q. Sure thing. If the bank closed the US
 5 dollar account that Interpal maintained, as Mr. Cole is
 6 suggesting the bank consider doing, wouldn't that have
 7 the effect of ensuring that the United States Government
 8 could not seize Interpal's transfers to other parties?
 9 MR. LUFT: Objection, assumes facts not in
 10 evidence, incomplete hypothetical, calls for speculation
 11 and misstates the facts as they are known.
 12 A. I think the combination of all these
 13 things, I have doubt -- I would have to go back to the
 14 basics. The effect of the US dollar account for an OFAC
 15 designated charity would mean that the payments would be
 16 blocked in the US.
 17 Q. But you have difficulty in answering the
 18 question of whether closing that account would mean that
 19 payments could not get blocked in the US?
 20 MR. LUFT: Objection, asked and answered,
 21 misstates.
 22 A. You are saying things like this is going
 23 to be seized by the US Government and all this sort of
 24 thing. That is the problem I have got with it, so that
 25 is why I am going back to the original thing, is the

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1 closure of the US dollar account would mean that
 2 payments would not get block in the US, because of the
 3 OFAC designation.
 4 Q. Thank you.
 5 A. Which is very factual.
 6 Q. That is all I am asking. He then writes:
 7 "I believe Interpal is aware of the sensitivity of
 8 their position and will be keen to ensure it does not breach
 9 Bank of England sanctions."
 10 Do you see that?
 11 A. Yes.
 12 Q. Did you have an understanding of what
 13 Mr. Cole meant by the sensitivity of Interpal's
 14 position?
 15 A. All I could do is speculate.
 16 Q. I don't want you to speculate, I just want
 17 to know if when you got this you had an understanding of
 18 what Mr. Cole meant.
 19 A. I don't know.
 20 Q. Okay. Would you have discussed with
 21 Mr. Cole whether or not you agreed with his
 22 recommendation that the sterling and euro accounts be
 23 permitted to continue operating?
 24 A. I don't recall.
 25 Q. You don't recall having that discussion?

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1 A. No.
 2 Q. You might have, might not have or you
 3 think you didn't?
 4 MR. LUFT: Objection.
 5 A. I don't recall that. The position of the
 6 US dollar account would have been discussed between us
 7 but whether all this predated or post dated this e-mail,
 8 I don't recall.
 9 Q. The first e-mail in this exhibit, Rodger
 10 14, is from Rob Davies, and it is to Mr. Foster and Mr.
 11 Norrie. You are not copied on that. Do you see that?
 12 A. Yes.
 13 Q. Do you know who Mr. Davies is?
 14 A. Must be someone in Stephen Foster's team.
 15 Q. Was he someone who would from time to time
 16 send you consolidated lists of sanctioned entities?
 17 A. I think he was one of the people that used
 18 to do that, yes.
 19 Q. He writes:
 20 "Another issue for us to consider with Interpal
 21 could be payment filtering. It may look a little
 22 inconsistent going forward if we have to block US dollar
 23 payments going to Interpal (i.e Interpal is OFAC listed) but
 24 are happy to maintain a relationship with them as
 25 a customer".

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1 Was that sentiment that Mr. Davies expresses there
 2 ever expressed to you?
 3 A. The first thing I would say about Rob is
 4 Rob was a junior person, so some of his commentary
 5 doesn't really resonate, in the sense that I would
 6 wonder to what extent he actually understood it, the
 7 issue at hand.
 8 Q. What makes you say that?
 9 A. The fact he is referring to having to
 10 block US dollar payments going to Interpal, when the
 11 decision either was made at this time or was --
 12 recommendation had been made to close the US dollar
 13 account, so it was not really a relevant topic to raise.
 14 Q. Did anyone from Group Risk Management
 15 raise with you at the time the concern that it would
 16 look a little inconsistent for the bank to maintain
 17 a relationship with Interpal while it had to block US
 18 dollar payments going to Interpal?
 19 A. Not to my recollection.
 20 Q. Mr. Rodger, I asked you do you know who
 21 Mr. Davies is, and you said he must be someone in
 22 Stephen Foster's team. Then after the next question you
 23 stated: "The first thing I would say about Rob is Rob
 24 was a junior person." Do you know who Rob Davies is or
 25 are you guessing?

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1 A. Rob Davies was a junior person. I think
 2 he was -- if I remember rightly, he was a Kiwi temp
 3 working in London.
 4 Q. "Kiwi" meaning a New Zealand resident?
 5 A. Yes.
 6 Q. You can put that exhibit away. I am
 7 handing the court reporter a document I will be asking
 8 be marked Rodger Exhibit 15.
 9 (Exhibit Rodger 15 marked for identification)
 10 For the record, this exhibit is Bates stamped
 11 NW18476 through 18483. Have you had a chance to read that?
 12 A. I have had a look through.
 13 Q. Are you still reading it?
 14 A. No. I think it is same as previous.
 15 Q. A lot of the e-mails you saw in the
 16 previous e-mail chain. This first e-mail on page
 17 NW18476 is the one from Mr. Cole that we just finished
 18 reviewing, correct?
 19 A. Yes.
 20 Q. And this document, unlike the Rodger
 21 Exhibit 14, contains the analysis that Mr. Cole attached
 22 to his e-mail, correct?
 23 MR. LUFT: Objection, mischaracterizes the
 24 document.
 25 Q. Sorry, this contains the summary of

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1 Mr. Cole's review of Interpal foreign payments in the
 2 last six months, true?
 3 A. It contains what?
 4 Q. Do you see the first page of Rodger
 5 Exhibit 15, the third paragraph, I am sorry, the front
 6 page, do you see the third paragraph?
 7 A. "I attach..."
 8 Q. Mr. Cole writes:
 9 "I attach a summary of my review of Interpal
 10 foreign payments in the last six months."
 11 If you go to the last 3 pages or NW18480 to
 12 NW18483, is that the summary of Interpal foreign payments
 13 that Mr. Cole -- sorry, the summary of his review of
 14 Interpal foreign payments that Mr. Cole attached to his
 15 e-mail?
 16 A. Um hum. Okay.
 17 Q. Do you recall in May 2004 or about that
 18 time getting Mr. Cole's summary of the review that he --
 19 do you recall in about May 2004 getting Mr. Cole's
 20 summary of his 6-month review of outgoing payments from
 21 Interpal?
 22 A. I don't recall.
 23 Q. You don't recall getting that from
 24 Mr. Cole?
 25 A. I don't recall. The way it would have

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1 been communicated with me is I have a meeting with Guy
 2 and he would tell me what was in these reports.
 3 Q. Do you see that you are listed as
 4 a recipient?
 5 A. Yes, I may well be, but the way that he
 6 would have communicated with me would be Guy would
 7 discuss it with me.
 8 Q. Okay, would you have --
 9 A. There was nothing for him to hide. I am
 10 not trying to evade responsibility, just that is the way
 11 that I operate.
 12 Q. You don't have any reason to believe that
 13 you did not get this?
 14 A. I have no reason to believe I didn't get
 15 it, no.
 16 Q. The attachment. Would you have read it at
 17 the time that it was sent to you by Mr. Cole?
 18 A. Guy would have discussed it with me. As
 19 I said, Guy would have walked me through it.
 20 Q. So he would have sat down with you and the
 21 document and walked you through it?
 22 A. Whether he sat down and went through
 23 a document, he might have described what the document
 24 contains.
 25 Q. Do you recall having a meeting with

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1 Mr. Cole where he described his review --
 2 A. I don't recall.
 3 MR. LUFT: Let him finish his question.
 4 A. I am sorry.
 5 Q. You don't recall having a meeting with
 6 Mr. Cole in which you discussed his review?
 7 A. No.
 8 Q. But you believe that it happened?
 9 A. The way I work is it is likely that
 10 I would have had a meeting or discussion with him about
 11 it.
 12 Q. And is it likely that if you got this
 13 e-mail from Mr. Cole, with this review of the six months
 14 outgoing payments from Interpal attached to it, that you
 15 would have looked at the actual document?
 16 A. I don't really recall.
 17 Q. You don't recall whether or not you did
 18 it?
 19 A. I don't recall whether I looked at the
 20 document or not. It is not automatically certain
 21 I would have.
 22 Q. Was it your practice to read documents
 23 that were sent to you that you considered to be
 24 important?
 25 A. Yes, but you must remember that I get 200

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1 e-mails a day, a lot of them with documents attached.
 2 You have to try and manage that, manage the volume in
 3 some way. The way I dealt with this case was Guy would
 4 tell me the material matters to be of concern, and if
 5 material matters of concern were raised to me, at that
 6 point I would have looked at this document.
 7 Q. We have already established that Interpal
 8 was the only CBFM customer that was listed by OFAC as
 9 a specially designated global terrorist. True?
 10 A. Yes.
 11 Q. Would you have been likely to read an
 12 e-mail from Mr. Cole and an attached review that related
 13 to a customer of CBFM that was listed as a terrorist by
 14 OFAC?
 15 MR. LUFT: Objection, foundation, calls for
 16 speculation.
 17 A. I can't recall.
 18 Q. You cannot recall if you did read it?
 19 A. I can't recall whether I did read it.
 20 Q. But can you tell me whether it was your
 21 practice to read -- withdrawn. Can you tell me whether
 22 it was likely that you read such a document?
 23 MR. LUFT: Objection, foundation.
 24 A. I really do not know whether I would have
 25 looked at it or not, even though it was with the OFAC

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1 designation.
 2 Q. Can you turn to the first page of the
 3 analysis, 18480. On that page there is a list from "A"
 4 to "S" that lists a number of different organizations.
 5 Do you see that?
 6 A. Yes.
 7 Q. Did you have an understanding in May 2004,
 8 either from the document itself or from what Mr. Cole
 9 may have told you in a meeting, as to what this list
 10 represented?
 11 MR. LUFT: Objection, mischaracterizes the
 12 document, compound.
 13 A. The question, sorry?
 14 Q. Whether you had an understanding
 15 in May 2004 what this list represented?
 16 A. As Guy says, it seems to be the recipients
 17 of Interpal funds.
 18 Q. Can you turn the page to NW18481.
 19 Actually, it starts at the bottom of 18480. You
 20 testified earlier that you were familiar with the
 21 Worldcheck database. Is that right?
 22 A. Yes.
 23 Q. The portion below the line on page 18480
 24 and then stretching to all of 18481, do you recognize
 25 that format to be one that you would find in Worldcheck,

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1 if you look up a particular organization on that
 2 database?
 3 A. It is in line with what I would expect.
 4 Q. And did you understand Mr. Cole to have
 5 cut and pasted from the Internet searches that he
 6 performed on the recipients of Interpal payments?
 7 A. It appears to be that is what he did.
 8 Q. Can you go to page 18481, please.
 9 A. Okay.
 10 Q. The bottom of that page says:
 11 "The following information was reported in one or
 12 more of the sources below". Do you see that?
 13 A. Yes.
 14 Q. And if you turn -- sorry to keep making
 15 you flip around -- if you turn back to 18480, this
 16 appears to be an entry from Worldcheck for the World
 17 Assembly of Muslim Youth?
 18 A. Okay.
 19 Q. WAMY, do you see that?
 20 A. Yes.
 21 Q. And then if you turn back to page 18481,
 22 it says:
 23 "Reportedly founded in 1972 in Riyadh, has funded
 24 organizations the Federal Government and UN have
 25 acknowledged aid and abet terrorism. They include the

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1 International Islamic Relief Organization, al-Haramain and
 2 the Muslim World League has been connected with the funding
 3 of al Qaeda, Hamas and Islamic Jihad. It has also been
 4 directly linked with the 1993 World Trade Center bombings,
 5 headed by Mohammed Khalifa, Osama bin Laden's
 6 brother-in-law."
 7 Do you see that?
 8 A. Yes.
 9 Q. Is that something that Mr. Cole either
 10 told you orally or conveyed to you through this document
 11 in or about May 2004?
 12 A. I don't recall to be honest.
 13 Q. If Mr. Cole had informed you that
 14 Worldcheck contained allegations that one of Interpal's
 15 beneficiary organizations was alleged to have been
 16 connected with al Qaeda, Hamas and Islamic Jihad, is
 17 that something that you would remember being told?
 18 MR. LUFT: Objection, calls for speculation.
 19 A. Worldcheck is not necessarily the most --
 20 "reputable" is not the right word. I can't think of the
 21 word. A lot of the information contained in Worldcheck
 22 is of questionable accuracy.
 23 Q. If Mr. Cole had informed you, either in
 24 writing or orally, that one of the organizations that
 25 Interpal had sent money to in the last six months was

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1 I was paying attention to it.
2 Q. Thank you. Can you turn back to
3 Exhibit 15 now, please.
4 A. Okay.
5 Q. The back page of Exhibit 15, NW18483,
6 under (a), under "Al-Islah Charitable Society", it says:
7 "The association, outlawed in 2002, is known for
8 its direct affiliation with Hamas."
9 Do you see that?
10 A. Yes.
11 Q. In other words -- do you know now, having
12 had a chance to read this entry, do you recall reading
13 it earlier, in May or June 2004?
14 A. I don't actually, no.
15 Q. Is it fair to say, sitting here today,
16 that this says: "The association is known for direct
17 affiliation" means that affiliation with Hamas is not
18 a secret?
19 MR. LUFT: Objection, calls for speculation,
20 vague and ambiguous.
21 A. This material has been lifted from this
22 website "www.intelligence.org.il". Is that correct?
23 Q. I can't answer questions but that
24 understanding that you previously indicated --
25 A. It depends on how -- it says: "Known to

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1 have contacts with Hamas activities abroad." Now, I
2 think if it was known to have these Hamas contacts then
3 presumably it would have been on the Bank of
4 England/European Union list.
5 Q. So if an organization was not listed by
6 the Bank of England, that would cause you to discount
7 other information that you received about that
8 organization being involved in terrorism. Is that fair
9 to say?
10 MR. LUFT: Objection, misstates his prior
11 testimony.
12 A. The implication of what you were saying is
13 because this website says "is known to have" these
14 connections with Hamas, then you are saying -- you are
15 treating that as read that that was the case. What I am
16 saying is that is not necessarily the case. Just
17 because it is in the website does not necessarily mean
18 that, and the actual treatment of that charity by the
19 Bank of England is material, because they will have had
20 the resources to investigate and establish the veracity
21 or otherwise of the comments here.
22 Q. Do you understand the reference to
23 "outlawed in 2002" being to an Israeli decision to
24 outlaw that organization?
25 MR. LUFT: Objection. Are you asking him if

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1 he recalls this or as he is reading it here?
2 MR. GOELMAN: He has already indicated he
3 does not recall reading it.
4 MR. LUFT: You are just asking him to
5 interpret it as he sits here?
6 MR. GOELMAN: I am asking if he understands
7 the reference to "outlawed in 2002", in the context of
8 this excerpt from a website, to refer to being outlawed
9 by the Government of Israel.
10 MR. LUFT: Okay. Objection, lack of
11 foundation, calls for speculation.
12 A. Certainly, it looks like "outlawed" means
13 outlawed by Israel in 2002.
14 Q. Did you understand in 2004 that the
15 Israeli Government would outlaw organizations that it
16 thought -- that it concluded supported terrorism?
17 A. In 2004, and even today I don't know for
18 sure, but clearly one would have thought so.
19 Q. Did you in 2004 understand that the
20 Israeli Government maintained a publicly available list
21 in English of the organizations that it had concluded
22 funded terrorism?
23 A. I imagine that such a list does exist.
24 Q. Did you ever consult such a list?
25 A. We are talking about a UK bank, so the

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1 only list which is material or relevant or salient for
2 a UK bank is the UK list, and you could also say the
3 OFAC list does have -- because we have operations in the
4 US, then OFAC will be looked at and considered. The
5 OFAC, the Australians will be, French, Germans, all the
6 other locations where RBS has a connection, but RBS has
7 got no connection or presence in Israel, therefore RBS
8 will not have any regard to an Israeli list. It is
9 irrelevant. So really we are dependent on what the Bank
10 of England or HMT, as it is today says.
11 Q. So let me -- I want to make sure I
12 understand your testimony. Because RBS did not have any
13 operations in Israel, Israeli Government lists were
14 irrelevant, not salient and immaterial?
15 MR. LUFT: Objection, mischaracterizes the
16 testimony. The testimony is what it is on the record.
17 A. There is no reason why RBS would have
18 regard to the US list -- not the US list, sorry,
19 apologies, that was a massive flaw. No regard to the
20 Israeli list.
21 Q. You understood in 2004, did you not, that
22 the country most affected by Hamas attacks was Israel?
23 A. That is a statement of fact.
24 Q. And a statement of fact that you
25 understood in 2004?

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1 A. Yes.

2 Q. So wouldn't it have been relevant to see

3 which organizations the Government of Israel had

4 concluded were affiliated with Hamas?

5 MR. LUFT: Objection, form.

6 Q. In deciding whether or not your customer

7 Interpal's beneficiaries were Hamas front organizations?

8 MR. LUFT: Objection, foundation, calls for

9 speculation.

10 A. I would go back to what I originally said.

11 It is a UK bank, therefore has regard to the UK list.

12 Q. But wouldn't --

13 A. Any bank that operates in the City of

14 London needs to give -- it cannot really be reasonably

15 expected to have regard to every single country's

16 terrorism list. That would be completely unreasonable

17 to have such a stance. Now, so the stance that RBS

18 takes, quite rightly, is it has regard to the list as on

19 the Bank of England, HMT.

20 Q. If you wanted to know whether a particular

21 group was affiliated with ETA, the Basque terrorist,

22 wouldn't a natural place to look be what the Government

23 of Spain was saying about an organization?

24 MR. LUFT: Objection, foundation, calls for

25 speculation, incomplete hypothetical.

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1 A. It is hypothetical, in sense I have never

2 had the urge to ever find out organizations attached to

3 ETA.

4 Q. I understand it is hypothetical but, will

5 you answer my question, please?

6 MR. LUFT: Objection, calls for speculation.

7 A. If I was wanting to know more about ETA,

8 the Spanish Government would have obligations which

9 would be of interest. I would also want to review other

10 publications. There must be other UK dossiers on ETA

11 out there. No doubt you would look at that as well; you

12 would not just take one thing by itself.

13 Q. In 2004, wouldn't you have expected the

14 Government of Israel to have more information about

15 which organizations were fronts for Hamas than other

16 governments?

17 MR. LUFT: Objection, foundation, calls for

18 speculation. Your own personal knowledge.

19 A. If the Israeli Government had such

20 information -- I am sure it does -- it doesn't appear to

21 have been taken on board by other countries, the UK, the

22 European Union.

23 Q. But wouldn't you in 2004 expect the

24 Government of Israel to have better information about

25 Hamas front groups than other governments, regardless of

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1 whether certain other governments did or did not take

2 that on board?

3 MR. LUFT: Objection, foundation, calls for

4 speculation, calls for testimony beyond the witness'

5 personal knowledge.

6 A. The UK Government would have made its

7 judgments based on a variety of sources. I don't know

8 how the UK Government makes its judgments. It is not my

9 role to do that. I have no doubt, I am sure there are

10 fairly close intelligence contacts between the UK and

11 Israel, and I would have thought, if there was

12 information, that likely that information would have

13 been communicated to the UK Government and the rest of

14 the European Union as well, for that matter.

15 Q. Can you turn back to the Al-Islah entry in

16 Rodger 15, please.

17 A. Which page?

18 Q. 18483, the last page of the exhibit.

19 A. Okay.

20 Q. We are still under (a), the middle of

21 paragraph (a), starting with the word "Funds". It says:

22 "Funds from various associations abroad have been

23 transferred to its account. A significant share of those

24 funds originate from foundations outlawed both in Israel and

25 abroad, such as the Charity Coalition, (I'tilaf al-Khayr),

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1 the Al-Aqsa Foundation and the London based Interpal

2 organization."

3 Do you see that?

4 A. Yes.

5 Q. In 2004, when you received this from

6 Mr. Cole, you were aware of Interpal, correct?

7 A. Yes.

8 Q. And it was accurate that Interpal was

9 a London based organization, true?

10 A. Yes.

11 Q. And you were already aware of the Al-Aqsa

12 Foundation, true.

13 A. Al-Aqsa has name recognition but no more.

14 Q. Do you recall reviewing the May 2003

15 documents reflecting Al-Aqsa's listing by the Bank of

16 England?

17 MR. LUFT: Objection, foundation, misleading.

18 A. If prompted, without having looked at this

19 documentation, I would say no, but now that you look at

20 the documentation then Al-Aqsa is -- the greater memory

21 recognition takes place, but nothing is inherent in me

22 to know anything about Al-Aqsa. I know nothing about it

23 at all.

24 Q. But you did know in 2004 when you got this

25 e-mail that Interpal was based in London, correct?

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1 Q. Who is APD?
 2 A. Alan Dickinson. He was the Head of the
 3 Corporate Bank.
 4 Q. He was the CEO?
 5 A. Senior executive.
 6 Q. He was CEO of CBFM?
 7 A. Yes, I think he was the deputy head of
 8 CBFM.
 9 Q. Did Mr. Dickinson know of and approve the
 10 continued links with Interpal, if you know?
 11 MR. LUFT: Objection.
 12 A. I don't know, but presumably.
 13 Q. Your e-mail to Mr. Love, copying Mr. Cole,
 14 which is the first e-mail in the exhibit on the first
 15 page of Rodger 17. Do you see that?
 16 A. Yes.
 17 Q. You write:
 18 "Kevin, in answer to Amanda's questions, the
 19 rationale for not exiting is that UK law enforcement does
 20 not have any concerns with Interpal. The Charities
 21 Commission, which undertook a thorough review after Interpal
 22 was listed with OFAC could find nothing wrong either and the
 23 Bank of England has chosen not to follow the US lead".
 24 Do you see that?
 25 A. Um hum.

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1 Q. Did you write that?
 2 A. Yes.
 3 Q. What was the base for your statement that
 4 "UK law enforcement does not have any concerns with
 5 Interpal"?
 6 A. The very fact it was not listed by Bank of
 7 England. If the law enforcement did have concerns it
 8 would be -- well, the UK Government would presumably be
 9 trying to persuade the European Union to list Interpal.
 10 Q. Did you have any contacts with UK law
 11 enforcement?
 12 A. No.
 13 Q. Did you ever look at any Goalkeeper
 14 reports about Interpal that the bank had?
 15 A. I can't recall.
 16 Q. Is it true that Group
 17 Investigations & Fraud would have had any communications
 18 with British law enforcement about Interpal that the
 19 bank had?
 20 MR. LUFT: Objection, calls for speculation.
 21 A. I really don't know.
 22 Q. Do you know that Group
 23 Investigations & Fraud are the ones who would have filed
 24 any disclosures about Interpal with British law
 25 enforcement?

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1 A. Yes.
 2 Q. Do you know from your experience of the
 3 bank that from time to time Group Investigations & Fraud
 4 would get calls from law enforcement about disclosures
 5 that they filed?
 6 A. I presume so.
 7 Q. Including calls from the National
 8 Terrorism Financing Investigation Unit? Are you
 9 familiar with that body?
 10 A. Yes, I can imagine what it does.
 11 Q. Are you familiar with NCIS?
 12 A. Yes. NCIS is no more, it is SOCA now, but
 13 at the time NCIS was the body that you would make your
 14 suspicions to.
 15 Q. Did you at any point contact Group
 16 Investigations & Fraud and ask them whether UK law
 17 enforcement had any concerns with Interpal?
 18 A. Personally, not.
 19 Q. Did you direct anybody to do that?
 20 A. Guy may have, but I don't know.
 21 Q. Do you recall telling Guy to do that?
 22 A. No.
 23 Q. How can you then state that "UK law
 24 enforcement doesn't have any concerns with Interpal"?
 25 MR. LUFT: Objection, argumentative.

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1 A. What I was meaning by that was saying
 2 because it didn't percolate through to the Bank of
 3 England designation, or lack of Bank of England
 4 designation implied that there were no concerns.
 5 Q. But you write that as well. You write
 6 "and the Bank of England has chosen not to follow the US
 7 lead". True?
 8 A. Yes.
 9 Q. So besides the fact that Interpal was not
 10 listed by the Bank of England you did not have any
 11 information about what UK law enforcement thought about
 12 Interpal. Correct?
 13 A. That is correct.
 14 Q. Did you write:
 15 "There is a suspicion that the US is being
 16 over-zealous in the Middle East (witness [REDACTED])
 17 [REDACTED]"?
 18 A. The reference to [REDACTED]
 19 refers to my earlier comment on extra-territoriality, so
 20 that is what I was meaning, but as of today I can't
 21 recall what I meant by that back in December 2004.
 22 Q. In December 2004 did you believe that the
 23 United States was being over-zealous in the Middle East?
 24 MR. LUFT: Objection, foundation.
 25 A. Again, I refer back to my earlier

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1 perspective towards Interpal and Palestinian charities.
 2 True?
 3 A. Yes. You have to remember who I am
 4 addressing this to. I am addressing it to Kevin Love,
 5 who is by no stretch of the imagination a subject matter
 6 expert, so you need to communicate it in such a way that
 7 he would better understand.
 8 Q. Mr. Love is relying on you to give him an
 9 analysis of whether or not there were real grounds to
 10 worry about Interpal supporting terrorism. Right?
 11 MR. LUFT: Objection, misleading, calls for
 12 speculation.
 13 Q. Is that true?
 14 MR. LUFT: Same objection.
 15 A. This is my assessment of the Interpal
 16 matter.
 17 Q. You are not done yet?
 18 A. This is my assessment of the Interpal
 19 matter.
 20 Q. Okay. But your assessment includes
 21 telling Mr. Love that the Israeli perspective towards
 22 Palestinian charities is essentially all these charities
 23 perpetuate terrorism, correct?
 24 MR. LUFT: Objection, misleading and
 25 mischaracterizes the document, calls for speculation.

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1 A. If you read what I said, I say: "The
 2 perspective taken by Israel". I didn't say that they
 3 were all doing that. I am saying it was a perspective
 4 taken by Israel.
 5 Q. What I am trying to find out is where you
 6 got the idea that that was the perspective taken by
 7 Israel?
 8 MR. LUFT: Asked and answered.
 9 A. I can't recall exactly where I got that
 10 sentiment from, but I acknowledge that I did make that
 11 statement.
 12 Q. Do you believe that that statement is
 13 true?
 14 MR. LUFT: Objection, foundation, and the
 15 witness' personal knowledge.
 16 A. My personal knowledge, I really am not
 17 close enough to the Israeli/Arab dispute to make proper
 18 assessments. I can speak at length on things which are
 19 Soviet Union and the Cold War and things like that, but
 20 the Arab/Israeli dispute is not one of them.
 21 Q. The last line of this first page says:
 22 "There is of course a danger of adverse media
 23 comment if we were to close a legitimate charitable
 24 account."
 25 Do you see that?

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1 A. Yes.
 2 Q. And danger of adverse media comment is in
 3 bold, true?
 4 A. Yes.
 5 Q. Did you regard the danger of adverse media
 6 comment if the Interpal accounts were to be closed to be
 7 a particularly important point to convey to Mr. Love?
 8 A. I think I would draw your attention to the
 9 clause "a legitimate charitable account", and I should
 10 have put "legitimate" in bold, if the truth be known.
 11 "Adverse", the comment was in bold. "Legitimate
 12 charitable account" should be in bold as well,
 13 criticising my own e-mail.
 14 Q. But at the time you wrote this e-mail did
 15 you think that the danger of adverse media comment was
 16 of particular importance that you wanted to flag it for
 17 Mr. Love?
 18 MR. LUFT: Objection, calls for speculation,
 19 foundation.
 20 A. As we discussed earlier today, if Interpal
 21 was found to be funding terrorism there would be total
 22 grounds to exit. If it was not then it wouldn't, and we
 23 debated that earlier.
 24 Q. I am giving the court reporter a document
 25 that I ask be marked Rodger Exhibit 19, please.

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1 (Exhibit Rodger 19 marked for identification).
 2 Mr. Rodger, I am going to be asking you in
 3 particular questions about the last half of page 2 and the
 4 first portion of page 3, which I believe you wrote?
 5 A. Okay.
 6 Q. First of all, did you write that portion
 7 of this exhibit that begins with "Kevin" and ends with
 8 "Regards", on the third page?
 9 A. It is -- some of the wording seems close
 10 to that wording in document 18, so it does.
 11 MR. LUFT: Just if you recall.
 12 A. Pardon?
 13 Q. I am asking if you can identify that as
 14 something that you wrote.
 15 A. There are some similarities in the wording
 16 of some of it but not all of it.
 17 Q. If you turn back to Rodger Exhibit 18,
 18 Mr. Love, the top of that is an e-mail from Mr. Love to
 19 you, which reads:
 20 "Irvine, thanks for this. Just for clarity, can
 21 you make your last sentence clear, please? I think you are
 22 saying that you agree with the branch that this account
 23 should not be exited. Also, can you give me a paragraph
 24 maybe from their website which spells out exactly what
 25 Interpal do, in their own words. Thanks and regards, Kevin

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1 Love."
 2 Do you see that?
 3 A. Yes.
 4 Q. So after receiving this note from Mr. Love
 5 did you go to the Interpal website and cut and paste
 6 a portion of Interpal's description of itself?
 7 A. It implies that I did.
 8 Q. And on page 3 of Rodger Exhibit 19, those
 9 bullet points, is that something that you got from
 10 Interpal's website?
 11 A. It may well be. I can't recall, to be
 12 honest, but it may well be that is where it came from.
 13 Q. If you look on page 2 of this document:
 14 "The RM is Belinda Lane from Romford Commercial", and it
 15 has a phone number. Do you see that?
 16 A. Yes.
 17 Q. Did you speak to Ms Lane after you got
 18 Kevin Love's e-mail of December 13, 2004?
 19 A. This e-mail implies that I did.
 20 Q. And do you recall speaking to Ms Lane at
 21 some point during the consideration of whether to keep
 22 the Interpal account open?
 23 A. All I can do is refer to the e-mail. That
 24 is what it says in the e-mail, is what actually I
 25 recall. I don't recall anything over and beyond what is

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1 in the e-mail.
 2 Q. This e-mail goes on to say:
 3 "She is not concerned about the account holders.
 4 She reiterated that the account has been investigated many
 5 times without anything untoward coming to light. However,
 6 one irritation is developing increasing difficulties in
 7 making payments to Palestine, because local banks there will
 8 not accept them, due to OFAC."
 9 Do you see that?
 10 A. Yes.
 11 Q. Do you recall learning from Ms Lane that
 12 Interpal was having difficulty getting payments through
 13 to its payees in Palestine because of the OFAC listing?
 14 A. That is what I seem to have reported, that
 15 is what Belinda Lane told me.
 16 Q. After that it says:
 17 "Consequently, though the account is quite a big
 18 income earner for her, 50,000 pounds, it is becoming higher
 19 maintenance."
 20 You have talked earlier about the customer base in
 21 CBFM being relatively large accounts, correct?
 22 A. Um hum.
 23 Q. You have to say yes, sir?
 24 A. Yes, sorry.
 25 Q. And is it fair to say that even amongst

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1 the clientele of CBFM an account that resulted in 50,000
 2 pounds of profit per year was above average in
 3 profitability for your division of the bank?
 4 MR. LUFT: Objection, foundation and beyond
 5 the scope of his knowledge.
 6 A. I wouldn't have thought that 50,000 was
 7 a massive amount.
 8 Q. You would not have?
 9 A. In relation to the Corporate Banking CBFM.
 10 Q. Do you know what the average --
 11 A. I have no idea.
 12 Q. No idea --
 13 MR. LUFT: Just let him finish his question.
 14 A. Sorry.
 15 Q. "Taking everything into account, Belinda
 16 would accept the loss of this customer, even though it
 17 had done nothing wrong, provided her target can be
 18 adjusted accordingly. She did point out that the
 19 charity would find it difficult to rebank due to OFAC
 20 and the background to RBS kicking it out. There is
 21 consequently a danger of adverse media comment if we
 22 were to close a legitimate charitable account."
 23 Do you see that?
 24 A. Yes.
 25 Q. And again there the danger of adverse

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1 media comment is highlighted?
 2 A. Yes.
 3 Q. Did it strike you as -- withdrawn. Was it
 4 your understanding that banks in Arab jurisdictions were
 5 rejecting Interpal's attempted transfers because of
 6 Interpal's presence on the OFAC list?
 7 MR. LUFT: Objection, foundation.
 8 A. I can only say that is what this e-mail
 9 appears to be saying.
 10 Q. Would it strike you as odd that a British
 11 bank would take less account of an OFAC listing of
 12 a Palestinian charity than banks in Arab countries
 13 would?
 14 MR. LUFT: Objection, lack of foundation,
 15 calls for speculation.
 16 A. I really don't know what the motivations
 17 of the local Arab banks were.
 18 Q. Can you turn to the first page of this
 19 document, which reflects an e-mail from you to Mr. Cole
 20 on December 13, 2004. Do you see that?
 21 A. Um hum.
 22 Q. And you write: "Guy, please see the
 23 latest."
 24 A. Um hum.
 25 Q. Sorry, you have to answer verbally.

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1 A. Yes, sorry.
 2 Q. Did you talk to Mr. Cole after forwarding
 3 him this e-mail chain?
 4 A. I can't recall but I suspect not.
 5 Q. Why do you suspect not?
 6 A. It looks like a "for your information"
 7 type e-mail rather than anything else, rather than
 8 asking him to do anything about it.
 9 Q. We have five minutes left on the tape
 10 before we go off the record, I think we have a little
 11 bit more than an hour left of questioning and I want to
 12 know if you feel up to that.
 13 A. I could, I will just soldier on I suppose.
 14 Q. I want to make sure that you feel up to
 15 it. You feel capable of answering questions?
 16 A. I feel capable of answering questions.
 17 Q. You do?
 18 A. Yes.
 19 MR. GOELMAN : Okay.
 20 THE VIDEOGRAPHER: Going off the record at
 21 5:27 pm.
 22 (A short break)
 23 THE VIDEOGRAPHER: This is the beginning of
 24 tape four, volume one in the deposition of Mr. Irvine
 25 Rodger. We are back on the record at 5:36 pm.

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1 MR. GOELMAN: I am handing the court reporter
 2 an exhibit that I am going to ask be marked as Rodger
 3 Exhibit 20.
 4 (Exhibit Rodger 20 marked for identification)
 5 Let me know when you have had a chance to
 6 review the e-mails that you are copied on or you sent.
 7 A. Okay.
 8 Q. Mr. Rodger, do you recall in December 2004
 9 an article came to the bank's attention regarding
 10 Interpal and mentioning Interpal's banking with NatWest?
 11 A. I don't recall it.
 12 Q. You don't recall that episode, sitting
 13 here today?
 14 A. I don't recall the article, no.
 15 Q. Do you recall an article?
 16 A. There have been media articles which I do
 17 recall, but that specific one I can't say I do.
 18 Q. There have been media articles about
 19 Interpal that you recall?
 20 A. There have been over the years, there have
 21 been, or certainly, talking about five or six years ago,
 22 there was an occasional press article about Interpal and
 23 NatWest, and I don't know if this was another one.
 24 Perhaps it was.
 25 Q. Sitting here today, what do you recall the

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1 articles that you do remember saying about Interpal and
 2 NatWest?
 3 A. It was basically, as far as I know, there
 4 were none that were really sensationalist. I think they
 5 were generally just factual in nature, saying Interpal
 6 banked by NatWest and is on the OFAC SDN list, specially
 7 designated terrorist list.
 8 Q. Did those articles make mention of the
 9 allegations that Interpal funded Hamas?
 10 A. If it was decided it was on the OFAC list
 11 because it was funding Hamas, I am pretty sure it would
 12 have said that.
 13 Q. Can you turn to Bates stamp 66809, please.
 14 A. Yes.
 15 Q. There is an e-mail in the middle of that
 16 page from a man named Derek Weir to several people,
 17 including yourself. Do you see that?
 18 A. Yes.
 19 Q. Do you know who Mr. Weir is?
 20 A. Derek Weir was the head of the Scotland
 21 Commercial business. It is all Corporate business in
 22 Scotland but reported into Derek Weir, though why the
 23 hell he was involved in this, God only knows.
 24 Q. But apparently he was involved with it?
 25 A. Seems to have been.

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1 Q. The last paragraph that he writes here is:
 2 "I don't think we can close the account unless we
 3 have some proof of the accusations."
 4 Do you see that?
 5 A. Yes.
 6 Q. "Closing the account would imply we
 7 believed they were funding terrorists, which would not
 8 be a good place to be".
 9 Do you have an understanding as to what kind of
 10 proof of the accusations Mr. Weir was looking for?
 11 MR. LUFT: Objection, foundation.
 12 A. Presumably that would be payments going to
 13 Hamas linked organizations.
 14 Q. And in terms of proof that the payments --
 15 that the beneficiaries were actually a Hamas linked
 16 organization, do you know what kind of proof would have
 17 satisfied Mr. Weir?
 18 A. The analysis that Guy did would have
 19 indicated if any such payments were being made.
 20 Presumably that would have satisfied Mr. Weir.
 21 Q. If Mr. Cole had concluded that the
 22 beneficiary organizations really were linked with Hamas?
 23 A. I honestly cannot say what would have
 24 satisfied Mr. Weir, but what I could say is that Guy
 25 could tell him what he discovered.

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1 England, EU and OFAC (US), although none of the below
 2 organizations are subject to sanctions themselves".
 3 So is it fair to say that Mr. Cole told you
 4 that seven of the beneficiaries of Interpal's payments
 5 in the last six months were listed as Hamas
 6 organizations in a legal document filed by the United
 7 States Department of Justice?
 8 A. I am sorry, I can't recall exactly what he
 9 told me. It would have been in line with this e-mail.
 10 Q. Is the inclusion of organizations in
 11 an indictment by the United States Department of Justice
 12 something that could be fairly easily verified using
 13 that powerful Internet tool that you described before?
 14 A. I think probably what I would do with
 15 these names is stick them into Complinet, you know, that
 16 website that says exactly what the current state of play
 17 is with regard to various sanctions in the world. That
 18 is the place I would start.
 19 Q. Did you do that in this case?
 20 A. I can't recall. Guy kind of -- I think
 21 Guy -- did he say that he had done that already?
 22 Q. Can you turn to the first page, please.
 23 You write an e-mail to various people, including
 24 Mr. Cole, on December 16, 2004, 1:06 pm. True?
 25 A. Yes.

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1 Q. You write:
 2 "Dear all, Guy has completed his investigations
 3 into the payments from Interpal. He did a thorough job and
 4 searched a number of databases, including Financial
 5 Sanctions and Terrorist Financing lists (UK and US),
 6 Complicheck, Worldcheck and Google."
 7 Do you see that?
 8 A. Yes.
 9 Q. "As you can see there were no direct
 10 matches with any entities on Sanctions & Terrorist
 11 lists. He did however uncover some, mainly
 12 unsubstantiated commentary on a number of recipients but
 13 none of these are sanctioned names. Please refer to
 14 Guy's e-mail for detail."
 15 Did you write that paragraph, Mr. Rodger?
 16 A. Yes.
 17 Q. Why did you characterize the commentary on
 18 the recipients of Interpal's payments as "mainly
 19 unsubstantiated"?
 20 A. I can't recall why I used
 21 "unsubstantiated", bearing in mind the Department of
 22 Justice indictment.
 23 Q. You would not consider a Department of
 24 Justice indictment to be speculative, would you?
 25 MR. LUFT: Objection.

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1 A. No, what I said was I do not understand
 2 why I used that word, bearing in mind the Department of
 3 Justice. I can't comment why I said that. My last
 4 paragraph kind of says what we were referring to
 5 earlier, one strike and they are out, which means if
 6 they have one payment to terrorists then they are
 7 exited.
 8 Q. You are referring to: "I leave it to you
 9 to decide the appropriate course of action but I would
 10 recommend that we keep the account open and continue
 11 performing similar thorough reviews of account
 12 behaviour", and then you write: "One strike and they're
 13 out."
 14 A. Yes.
 15 Q. What do you mean by "One strike and
 16 they're out"?
 17 A. One instance of terrorists being financed
 18 and that is it.
 19 Q. And what would qualify as a strike, in
 20 terms of proof that terrorists were being financed?
 21 A. One single payment of 5p to a terrorist is
 22 enough to say that is to exit the relationship.
 23 Q. And for to be a strike, how would you
 24 determine whether or not the payee was indeed
 25 a terrorist?

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1 A. The analysis of the payee goes to someone
 2 who is on the -- primarily the Bank of England list and
 3 that would determine whether it was terrorist or not.
 4 We are talking about 2004. Standards are different now,
 5 but in 2004 we would only have -- the prime regard would
 6 be the Bank of England list.
 7 Q. And now standards are different in terms
 8 of the attention paid to OFAC lists, is that what you
 9 mean?
 10 MR. LUFT: Objection, misleading,
 11 mischaracterizes his testimony.
 12 Q. What do you mean when you say "standards
 13 are different now"?
 14 A. New policies developed since then.
 15 Q. In what ways has it changed?
 16 A. The OFAC lists are given far greater
 17 predominance within the group.
 18 Q. Than they were in 2004?
 19 A. Yes.
 20 Q. Can we mark this as Rodger 22, please.
 21 (Exhibit Rodger 22 marked for identification)
 22 For the record this is Bates stamped NW66795
 23 through 66796. Let me know when you have had a chance to
 24 read through that, please.
 25 A. Thank you.

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1 MR. LUFT: Objection, argumentative.
 2 A. It wouldn't be regarded as suspicious
 3 because the payments were not in breach of sanctions,
 4 the payments were not in breach of sanctions legislation
 5 and at the time the payments were made we had no
 6 suspicions.
 7 Q. What do you mean, "At the time the
 8 payments were made we had no suspicions"? Who had no
 9 suspicions?
 10 A. The bank had no suspicions that there was
 11 anything particularly amiss, remiss with that
 12 organization.
 13 Q. I am going to hand the court reporter
 14 another document and ask that this be marked as Rodger
 15 Exhibit 24.
 16 (Exhibit Rodger 24 marked for identification)
 17 For the record, this is Bates stamp NW66777
 18 through NW66779. I want to draw your attention, Mr. Rodger,
 19 because the time is getting late, to the last page of this
 20 document, 66779, and the third paragraph there.
 21 MR. LUFT: Take a second to read the document.
 22 MR. GOELMAN: I am only going to be asking
 23 questions about that paragraph on the back of
 24 page 66779. If you want to review the whole document
 25 you can. I will ask we go off the record then because

HIGHLY CONFIDENTIAL Page 234

1 we only have 18 minutes left.
 2 MR. LUFT: I disagree with that. He has been
 3 prompt in answering your questions.
 4 MR. GOELMAN: I am only going to ask about
 5 that paragraph.
 6 MR. LUFT: He needs to have a context. It is
 7 a one page document.
 8 MR. GOELMAN: It is a 4-page document.
 9 MR. LUFT: Then we are missing pages. I don't
 10 have 4 pages.
 11 A. I have got three.
 12 MR. GOELMAN: It is a 3-page document, 66777
 13 through 66779.
 14 MR. LUFT: One is a cover e-mail transmittal
 15 note.
 16 A. Okay.
 17 Q. Do you see the paragraph, page 66779, that
 18 starts with "At a workshop..."
 19 A. Okay.
 20 Q. Do you see that?
 21 A. Yes.
 22 Q. This is a memo written by Mr. Cole,
 23 correct, on July 6, 2005?
 24 A. Yes.
 25 Q. And the subject is: "Semi-annual review of

HIGHLY CONFIDENTIAL Page 235

1 Interpal account activity."
 2 A. Yes.
 3 Q. Mr. Cole writes:
 4 "At a workshop attended in June on 'Managing the
 5 Risks of Funding Terror', Nick Ridley, the lead intelligence
 6 analyst on the financing of terrorism at Europol advised
 7 that a Government designation of an organization as a
 8 financier of terrorism (as Interpal has been by OFAC) almost
 9 certainly means that no financing of terrorism would take
 10 place via the entity after the designation. Therefore, the
 11 result of OFAC's designation of Interpal as a supporter of
 12 terrorism has actually reduced the risk of Interpal being
 13 used to fund terrorism."
 14 Do you see that?
 15 A. Yes.
 16 Q. Did you agree with Mr. Cole, in July 2005,
 17 that OFAC's designation of Interpal as a supporter of
 18 terrorism actually reduced the risks of Interpal being
 19 used to fund terrorism?
 20 MR. LUFT: Objection, lack of foundation.
 21 A. Guy was reporting back what he had been
 22 told by this Nick Ridley person. It was not something
 23 that Guy invented.
 24 Q. I didn't say he invented it.
 25 A. These words did not come from Guy, they

HIGHLY CONFIDENTIAL Page 236

1 came from this Nick Ridley, the lead intelligence
 2 analyst of financing of terrorism by Europol, so I can't
 3 really say whether I agree or disagree with that. That
 4 is recording what he was told.
 5 Q. Did the presence of a NatWest customer on
 6 the OFAC terrorism list give you comfort that that
 7 customer was not actually supporting terrorism?
 8 MR. LUFT: Objection, foundation and form.
 9 A. Can I just hear that sentence once more?
 10 Q. Actually, I will withdraw that question.
 11 We will go on to something else. In the middle of 2005,
 12 at the time that you got this review from Mr. Cole, you
 13 knew at that point that Interpal had sent money to
 14 a number of groups that the American Department of
 15 Justice claimed were affiliated with Hamas. Correct?
 16 MR. LUFT: Objection, misstates the prior
 17 testimony.
 18 A. That is what the note says.
 19 Q. You knew that Interpal had sent money to
 20 more than one group that the Bank of England later
 21 banned for support of Hamas, true?
 22 A. That is what the note says.
 23 Q. You knew that Interpal had sent money to
 24 Al-Mujamma, an organization that according to Mr. Cole's
 25 research was founded by Hamas leader, Sheikh Yassin.

HIGHLY CONFIDENTIAL Page 237

1 True?

2 MR. LUFT: Objection, asked and answered.

3 A. That is what the note says.

4 Q. And you knew that the United States

5 Treasury had designated Interpal a specially designated

6 global terrorist two years earlier, correct?

7 MR. LUFT: Objection, asked and answered.

8 A. Yes.

9 Q. At that point did you believe that your

10 customer, Interpal, supported Hamas?

11 A. No.

12 Q. Why not?

13 MR. LUFT: Objection, argumentative.

14 A. As I said, Guy did these payment reviews

15 and the payment reviews were clean, in the sense that

16 they were not made to terrorist organizations.

17 Q. What kind of evidence would you have

18 needed to come to the conclusion that Interpal was

19 providing support to Hamas?

20 MR. LUFT: Objection, lack of foundation,

21 calls for speculation.

22 A. Designations by Bank of England, European

23 Union and OFAC -- OFAC designations of these payees

24 would also be a matter for consideration.

25 Q. Short of designation by the Bank of

HIGHLY CONFIDENTIAL Page 238

1 England, what kind of evidence would you have needed to

2 conclude that your customer, Interpal, was supporting

3 Hamas?

4 MR. LUFT: Objection, misstates his prior

5 testimony, and leaves out what he just said, and asked

6 and answered.

7 A. As I have said, the key thing for me is

8 the Bank of England designation.

9 Q. In your years --

10 A. We have got a big organization to manage

11 so we have to deal with issues, and the compliance with

12 UK law is fairly persuasive. It is not fairly

13 persuasive, it is persuasive, because there is

14 nothing -- there is a must, there is no argument about

15 compliance with UK law.

16 Q. In your years at RBS, have there been

17 cases that you know of where the bank has asked

18 customers to rebank?

19 MR. LUFT: Objection, foundation.

20 A. Interpal was certainly an example.

21 Whether there was any other ones I don't recall.

22 Q. You cannot recall any other cases besides

23 Interpal that you know of that the bank exited

24 a relationship with a customer?

25 A. For terrorist purposes?

HIGHLY CONFIDENTIAL Page 239

1 Q. No, for any purposes?

2 A. For any purposes there will have been

3 regularly.

4 Q. Does that include cases where the bank has

5 exited a relationship even though the customer was not

6 listed on any Bank of England list?

7 MR. LUFT: Objection, argumentative.

8 A. These customers who we asked to rebank or

9 the bank asked to rebank were not on any sanctions list,

10 US or UK.

11 Q. Approximately how many customers, if you

12 can estimate, during your tenure at RBS were asked to

13 rebank?

14 MR. LUFT: For what reason?

15 Q. For any reason?

16 MR. LUFT: Objection, foundation.

17 A. I don't have that knowledge.

18 Q. More than 50?

19 MR. LUFT: Objection, foundation.

20 A. The answer to that, more than 50, yes.

21 Q. What reasons can you think of that

22 customers in your experience have been asked to rebank?

23 MR. LUFT: Objection, foundation.

24 A. A lot of these reasons are involvement in

25 fraud.

HIGHLY CONFIDENTIAL Page 240

1 Q. Is it fair to say --

2 A. Fraud against --

3 Q. Sorry, go ahead.

4 A. Fraud against the Government, fraud

5 against the bank, fraud against anyone really, to be

6 honest. One of the biggest, one of the biggest frauds

7 was against the UK Government, Emtech frauds, and

8 billions of pounds were lost that way, and of course

9 anything like that we would exit, we would not tolerate

10 that.

11 Q. Is it fair to say that you understood from

12 the time that you arrived at RBS that the bank had the

13 ability to exit any relationship with a customer that it

14 wanted to?

15 A. The bank can always exit any relationship

16 with a customer if it wants to.

17 Q. And the bank intentionally made the choice

18 not to exit the relationship with Interpal, correct?

19 A. That is correct, until it did.

20 Q. Until it did. And that was after this

21 lawsuit was brought, is that right?

22 A. Yes.

23 Q. I ask that this be marked as Rodger

24 Exhibit 25.

25 (Exhibit Rodger 25 marked for identification)

HIGHLY CONFIDENTIAL Page 245

1 Q. 66766.
 2 A. All right. Yes, 66766 okay.
 3 Q. You write:
 4 "Phil, not sure if you are the right person but is
 5 this account Retail's? I ask because we have mounted an
 6 investigation into another Palestinian charity, Interpal,
 7 which is subject to OFAC sanctions (though not EU) and
 8 decided that the account is operating satisfactorily and
 9 that the OFAC sanctions were politically inspired. Johnnie
 10 Cameron has confirmed that the account may remain open
 11 provided it is closely monitored. Cheers, happy 2005".
 12 Did you write that to Mr. Aitken on January 5,
 13 2005?
 14 A. Yes.
 15 Q. Why did you tell Mr. Aitken that you had
 16 decided that the OFAC sanctions were politically
 17 inspired?
 18 A. Had I decided they were politically
 19 inspired?
 20 Q. You write:
 21 "We have mounted an investigation into
 22 another Palestinian charity, Interpal, which is subject
 23 to OFAC sanctions (though not EU) and decided that the
 24 account is operating satisfactorily and that the OFAC
 25 sanctions were politically inspired."

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1 A. That was not a Royal "we", it was
 2 a collective "we", and as our team regarded it was
 3 possibly what I was meaning, although I don't know for
 4 sure.
 5 Q. Did you have any information
 6 in January 2005 that the OFAC sanctions on Interpal were
 7 politically inspired?
 8 A. I can't recall that I did. Looking back,
 9 as of today's date, I can't look back in time and say
 10 yes, they were politically inspired.
 11 Q. When you wrote that the OFAC sanctions
 12 were politically inspired, what did you mean?
 13 A. Possibly, you see, the issue that we have
 14 got is OFAC had sanctions against an organization and
 15 other comparable organizations didn't, and it is very
 16 difficult to make sense, so I don't know what I meant
 17 then.
 18 Q. So you concluded that because OFAC had
 19 sanctions against Interpal but Bank of England did not,
 20 that the OFAC sanctions were politically inspired?
 21 MR. LUFT: Objection, misstates his prior
 22 testimony, argumentative, lack of foundation.
 23 A. No, I wouldn't say that. The thing which
 24 I do not understand and still don't understand is why
 25 Bank of England hasn't taken the same line as OFAC,

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1 because I know Americans share information with the
 2 Brits, so I do not understand why they wouldn't have
 3 shared that information.
 4 Q. Okay. Is that the difference between the
 5 Bank of England and OFAC -- what made you decide that
 6 the OFAC sanctions were politically inspired?
 7 MR. LUFT: Objection, misstates his prior
 8 testimony, argumentative, lack of foundation.
 9 A. I don't know.
 10 Q. Is it fair to say if you did not believe
 11 the OFAC sanctions were politically inspired in 2005 you
 12 would not have written that at the time?
 13 MR. LUFT: Objection, argumentative.
 14 A. I really cannot -- I don't know what my
 15 mind was thinking of when I wrote that.
 16 Q. I understand but --
 17 MR. LUFT: How much time do we have left?
 18 THE VIDEOGRAPHER: A few seconds.
 19 Q. Last question. Would you have written
 20 that to Phil Aitken in 2005 if you didn't believe it.
 21 A. I really don't know. I would not have --
 22 I really don't know. It is hard for me to just comment
 23 on an e-mail which is sent 5 years ago.
 24 MR. GOELMAN: I have nothing further.
 25 THE VIDEOGRAPHER: This is the end of tape

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1 four, volume one in the video deposition of Mr. Irvine
 2 Rodger. We are going off the record at 7:01 pm.
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EXHIBIT 30 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al. v.
NATIONAL WESTMINSTER BANK, PLC.*

MARTIN WILTSHEAR

Vol. 1

June 9, 2010

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1

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 Action No: 05cv4622 (CPS) (MDG)

4 - - - - -
5 TZVI WEISS, et al,

Plaintiffs,

6 against

7 NATIONAL WESTMINSTER BANK, PLC.,

Defendant.

8 - - - - -
9 NATAN APPLEBAUM, et al.,

10 Plaintiffs,

11 against

12 NATIONAL WESTMINSTER BANK, PLC.,

13 Defendant.

14
15
16 VIDEOTAPED DEPOSITION OF MARTIN WILTSHEAR

17 Wednesday 9 June 2010

18 At: 10:00 am

19 Taken at:

20 Cleary, Gottlieb, Steen & Hamilton LLP

21 55 Basinghall Street, London

22 United Kingdom
23
24
25

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2

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23

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1 THE VIDEOGRAPHER: This is the beginning of
2 tape one in volume one of the deposition of Martin
3 Wiltshear, in the matter of Tzvi Weiss et al,
4 plaintiffs, versus National Westminster Bank plc,
5 defendants, and also Natan Applebaum et al versus
6 National Westminster Bank plc, defendants. The first
7 matter is case number 1:05cv04622 (DTG) (MDG). The
8 second matter is 1:07cv00916 (DTG) (MDG). This matter
9 is in the United States District Court, Eastern
10 District of New York.

11 Today's date is 9 June, 2010. The time is
12 10:02 am. This deposition is taking place at the
13 offices of Cleary Gottlieb in London. The court
14 reporter is Ailsa Williams, the videographer is Simon
15 Addinsell, both from European Deposition Services.

16 Could counsel first introduce themselves for
17 the record, state what company they are with and who
18 they represent in this matter.

19 MR. SCHWARTZ: Stephen Schwartz from Kohn,
20 Swift & Graf, Philadelphia, Pennsylvania, United
21 States of America representing the Weiss plaintiffs.

22 MR. ISRAEL: Joel Israel from Sayles
23 Werbner, here on behalf of the Applebaum plaintiffs.

24 MR. LUFT: Avi Luft, Cleary Gottlieb LLP,
25 with me is my colleague Susie Rhee, here on behalf of

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1 National Westminster Bank and the witness, Martin
2 Wiltshear.

3 THE VIDEOGRAPHER: Would the court reporter
4 please swear the witness.

5 MARTIN WILTSHEAR

6 Having been duly sworn

7 Testified as follows:

8 DIRECT EXAMINATION BY MR. SCHWARTZ:

9 THE VIDEOGRAPHER: It is 10:03. Please
10 begin.

11 Q. Could you please state your name for the
12 record.

13 A. Martin Wiltshear.

14 Q. Mr. Wiltshear, as I mentioned, my name
15 is Stephen Schwartz. I am a lawyer from Philadelphia
16 and I am here today to ask you some questions to find
17 out what you know about the facts which have given
18 rise to this lawsuit.

19 I don't suspect we are going to be here more
20 than a couple of hours but if you need a break at any
21 time, please ask. Routinely we will probably take
22 breaks about once an hour. I would also ask you if
23 possible to try to keep your voice up. I have a hard
24 time with British accents. You know what they say:
25 "Two countries separated by a common language".

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1 A. When we analyzed cases it was always
2 a consideration.

3 Q. Can you describe for me, please, how you
4 analyzed cases?

5 A. A case was handed to me in my work
6 stack, I would look at the information and the
7 paperwork that was given to me. I would make
8 enquiries of the specific accounts that were on the
9 forms. I would try and gain background information,
10 key the data on to the system with any recommendations
11 that I made.

12 Q. Please may I stop you for a second here.
13 When you say "key the data into the system", are we
14 talking about the goalkeeper system?

15 A. Yes, we are.

16 Q. So would it be fair to say that in all
17 cases that you analyzed you entered them into the
18 goalkeeper system?

19 A. Yes, that would be fair.

20 Q. Okay. Go on, please.

21 A. A recommendation would go to Mike
22 Hoseason, who would make the decision whether to send
23 a disclosure to the law enforcement agencies.

24 Q. That would be NCIS?

25 A. Yes.

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1 Q. Was Mike Hoseason the only person with
2 the authority to decide to refer to NCIS?

3 MR. LUFT: Objection, foundation.

4 MR. SCHWARTZ: I mean --

5 MR. LUFT: I don't think he knows. I don't
6 think it is necessarily within his knowledge to know
7 who else at the bank may have. He may know if he had
8 it.

9 MR. SCHWARTZ: Do you know whether any one
10 besides Mike Hoseason within your department, let's
11 make that within your team, had the authority to refer
12 to the NCIS?

13 A. I remember that Mike Hoseason did at
14 that time. I can't remember if anyone else did.

15 Q. Do you know the name Dennis Shepherd?

16 A. No.

17 Q. Do you know Doug Hartley?

18 A. I do.

19 Q. At this time, 2001, was he part of your
20 team?

21 A. I remember him being in the wider
22 office. I don't remember which team he was in at the
23 time but, you know, I don't remember if he was on that
24 team when I joined.

25 Q. Okay. How long were you part of that

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1 Group Investigation and Fraud?

2 A. I can't see from this where this
3 originated from.

4 Q. Did matters ever originate at Group
5 Investigation and Fraud?

6 A. I can't remember.

7 Q. During the course of your year in the
8 money laundering prevention unit, did you have cases
9 involving terrorist funding?

10 A. Involving terrorist funding.

11 Q. Where there was a suspicion of terrorist
12 funding?

13 A. Yes, I did.

14 Q. Did you have many?

15 MR. LUFT: Objection, vague.

16 MR. SCHWARTZ: More than one?

17 A. I only remember one.

18 Q. And what was that?

19 A. Well, very generally, it related to the
20 IRA.

21 Q. Did you have when you came to the
22 MLPU -- excuse me -- as part of that anti-money
23 laundering team, were you given any special training
24 in what to look for in anti-terrorism cases?

25 A. Gary Merrick gave me all my training.

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1 Q. Who is Gary Merrick?

2 A. He was my immediate line manager when
3 I started on that job.

4 Q. Was he between you and Mr. Hoseason in
5 authority?

6 A. He was.

7 Q. What training did he give you?

8 A. He showed me how to investigate cases,
9 he showed me our processes for dealing with money
10 laundering. He showed me the money laundering
11 guidelines. He worked cases so I could watch to see
12 what happened, all the processes to deal with. Then
13 he watched me deal with cases as well and supervised
14 my cases.

15 Q. As part of your anti-terrorism financing
16 training, were you taught to focus on particular
17 regions in the world?

18 A. There were regions that were higher risk
19 than others. I can't remember what they are from 2001
20 at all, but there are many, many factors to take into
21 account.

22 Q. If you look at page 1 of this goalkeeper
23 report, you see near the top "Last modified"?

24 A. Yes.

25 Q. "By"?

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1 goalkeeper report?

2 A. A variety of reasons -- things happened.
3 I can only remember one case where I had to deal with
4 something after a disclosure was made.

5 Q. What were the circumstances?

6 A. That was the IRA case, which I really
7 cannot talk about.

8 Q. Of course, and I am not interested in
9 hearing about it so it is just as well.

10 Did you ever have any dealings with the NCIS?

11 A. No.

12 Q. I am going to ask the reporter to mark
13 as an exhibit which will be Wiltshire 4 a document
14 that has been Bates numbered NW012954.

15 (Exhibit Wiltshire 4 marked for identification)

16 Mr. Wiltshire, have you had a chance to review
17 this document?

18 A. I have, yes.

19 Q. Have you ever seen this before?

20 A. I don't recall this document, no.

21 Q. This appears to be an e-mail and
22 a response. Is that a correct assessment?

23 A. Yes.

24 Q. This appears to be an e-mail from you to
25 Belinda Lane, and Belinda Lane's response to you. Is

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1 that also a correct assessment?

2 A. Correct.

3 Q. Do you know Belinda Lane?

4 A. No.

5 Q. Do you remember who she is?

6 A. No.

7 Q. Do you have any idea why you wrote this
8 letter, this e-mail?

9 MR. LUFT: Sitting here today or?

10 MR. SCHWARTZ: Sitting here today.

11 A. I can't remember why I wrote that
12 letter. I may have been asked by my manager to do so.
13 It may have been from a case I was dealing with.

14 Q. But you don't remember dealing with this
15 case?

16 A. No.

17 MR. SCHWARTZ :

18 MR. SCHWARTZ: Let's take a break. I may be
19 finished with this witness. Mr. Israel may have a few
20 questions.

21 THE VIDEOGRAPHER: Going off the record,
22 10:43.

23 (A short break)

24 THE VIDEOGRAPHER: We are back on the record
25 at 10:51.

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1 MR. SCHWARTZ: Mr. Wiltshear, could you take
2 one more look, please, at Wiltshear Exhibit 4,
3 specifically the bottom half, which you wrote to
4 Belinda Lane. Do you recall at all why you said
5 "Unsurprisingly, we have been sent a money laundering
6 suspicion report."

7 A. No, I don't.

8 Q. Do you have any recollection of why you
9 said: "The concern is obviously terror funding,
10 especially given the volatile climate of the area"?

11 A. I don't recall it.

12 Q. Okay. Finished with that document.
13 During your time in the 2001 to 2002 period when you
14 were with the anti-money laundering team at Group
15 Investigation and Fraud, you said that your immediate
16 supervisor was Gary Merrick. Is that correct?

17 A. He was at the start, yes.

18 Q. At the start, and then the overall
19 supervisor was Mike Hoseason. Is that correct?

20 A. Correct.

21 Q. Did someone replace Mr. Merrick as your
22 supervisor?

23 A. At some point, I don't know when, Doug
24 Hartley took over.

25 Q. And he was then between you and Mike

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1 MR. SCHWARTZ: -- subsequently. You can
2 answer.

3 A. I remember that the bank did close
4 accounts on the back of work we did, but I don't
5 remember any specifics.

6 Q. Do you remember any particular reasons
7 why the bank may have closed accounts?

8 A. Only one, and that was something called
9 VAT fraud. I remember accounts closing because of
10 that.

11 Q. And what is VAT fraud?

12 A. It is a kind of tax evasion.

13 MR. SCHWARTZ: I am finished with this
14 witness. We are going to let Mr. Israel ask a few
15 questions. Thank you.

16 A. Pleasure.

17 CROSS-EXAMINATION BY MR. ISRAEL:

18 MR. ISRAEL: Mr. Wiltshear, just a small
19 handful of questions. My name is Joel Israel.
20 I represent the other plaintiff group in this case.
21 If you could quickly pull back out Exhibit 4, which is
22 the last exhibit we looked at. I am referring to the
23 e-mail at the bottom, the first paragraph, where in
24 the last sentence the e-mail states: "The concern is
25 obviously terrorist funding, especially given the

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1 volatile climate of that area". Do you see where I am
2 talking about?

3 A. Sure.

4 Q. Do you know to which area you were
5 referring in this e-mail?

6 A. The e-mail says "Middle East" on it, so
7 I would assume there.

8 Q. So, as of January 2002, did you know the
9 Middle East to have a volatile climate?

10 A. It has always had a volatile climate.

11 Q. And did you know that volatile climate
12 to lead to the possibility or the risk of terrorist
13 funding?

14 A. Yes.

15 Q. Why?

16 A. Just something from the on the job
17 training really. There is always a risk of that. I
18 was told there was a risk of terrorist funding.

19 Q. In the Middle East?

20 A. Yes.

21 Q. Do you recall who told you that?

22 A. I don't recall anyone specific. It
23 would have been one of my line managers.

24 Q. Do you recall this coming up in formal
25 training or just something you would hear while you

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36

1 were working on specific cases?

2 A. Just training from my line manager, as
3 I remember.

4 Q. So just through one on one training, not
5 through formal training that the bank was giving you.
6 Correct?

7 MR. LUFT: Objection, form.

8 Q. This statement from your line manager,
9 this just came one on one to you, to your
10 recollection?

11 A. To my recollection, yes.

12 MR. ISRAEL: I have no more questions.

13 THE VIDEOGRAPHER: End of tape one, volume
14 one in the deposition of Martin Wiltshear. Going off
15 the record at 11 o'clock.

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EXHIBIT 31 to Declaration of Joel Israel

LANE, Belinda, Bus Mgr

To: Wiltshire, Martin (RBS)
Subject: RE: Palestine Lebanon & Relief Fund

- Acc opened with Bank 10/94
- Large funds have always been held on various current accs as, due to religious reasons they are unable to earn interest
- Registered charity no 1040094 - 8 trustees
- Provide charitable relief to refugees in Israel, West Bank & Gaza and Lebanon - developed out of former charity which provided relief to Kuwait
- Main donors are Muslim communities in the UK, USA and Saudi Arabia
- Very much seasonal in that receipts usually at Ramadan and Easter
- Main contact is the secretary Mr Jihad Qundilizo
- Authorised signatories are Ibrahim Brian Hewitt, E Mustafa, J Qundil and Mahfouz Safie - instructions are any 2 to sign
- Next meeting is Monday 21 January with Mr Qundil at the business premises when I will discuss present operations and use of the \$ acc

Any further guidance in how to approach this would be welcomed - ITS 2362-2602

Belinda Lane
Senior Business Manager

—Original Message—

From: Wiltshire, Martin (RBS)
Sent: Thursday 17 January 2002 09:51
To: LANE, Belinda, Bus Mgr
Subject: Palestine Lebanon & Relief Fund

Belinda

Unsurprisingly, we have been sent a Money Laundering Suspicion Report on the above connection. It is based on the fact that large US\$ payments are being made coming and going from the Middle East in the USD a/c 04156838. The concern is obviously terrorist funding especially given the volatile climate of the area.

I would be therefore be grateful if you would kindly provide me with some background info on this connection with details of the most recent due diligence undertaken in respect of the Bank's knowledge of dealings in the US\$ account.

I appreciate your assistance in this matter and look forward to hearing from you.

Regards

Martin Wiltshire
Group Investigations & fraud
Ground floor
Regents House
London
tel - 0207 615 7244
fax - 0207 615 7287

EXHIBIT 32 to Declaration of Joel Israel

In The Matter Of:
TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.

STEPHEN FOSTER
Vol. 1
July 16, 2010



HIGHLY CONFIDENTIAL Page 1	HIGHLY CONFIDENTIAL Page 3
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF NEW YORK</p> <p>3 Action No: 05cv4622 (DGT) (MDG)</p> <p>4 - - - - -</p> <p>5 TZVI WEISS, et al, Plaintiffs,</p> <p>6 against</p> <p>7 NATIONAL WESTMINSTER BANK, PLC.,</p> <p>8 Defendant.</p> <p>9 - - - - -</p> <p>10 NATAN APPLEBAUM, et al.,</p> <p>11 Plaintiffs,</p> <p>12 against</p> <p>13 NATIONAL WESTMINSTER BANK, PLC.,</p> <p>14 Defendant.</p> <p>15</p> <p>16 VIDEOTAPED DEPOSITION OF STEPHEN FOSTER</p> <p>17 Friday 16 July 2010</p> <p>18 At: 10:00 am</p> <p>19 Taken at:</p> <p>20 Cleary, Gottlieb, Steen & Hamilton LLP</p> <p>21 55 Basinghall Street, London</p> <p>22 United Kingdom</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 VIDEOGRAPHER: DAVID ROSS</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
HIGHLY CONFIDENTIAL Page 2	HIGHLY CONFIDENTIAL Page 4
<p>1 A P P E A R A N C E S</p> <p>2 For Plaintiff Tzvi Weiss:</p> <p>3 STEPHEN SCHWARTZ, ESQ.</p> <p>4 Kohn, Swift & Graf PC</p> <p>5 One South Broad Street, Suite 2100</p> <p>6 Philadelphia, Pennsylvania 19107-3304</p> <p>7 Tel: 419 246 0528</p> <p>8 For Plaintiff Natan Applebaum:</p> <p>9 MARK WERNER</p> <p>10 Sayles & Werbner</p> <p>11 4400 Renaissance Tower</p> <p>12 1201 Elm St.</p> <p>13 Dallas, Texas 75270</p> <p>14 Tel: 214 939 8763</p> <p>15 For Plaintiff Tzvi Weiss:</p> <p>16 AITAN GOELMAN</p> <p>17 Zuckerman Spaeder LLP</p> <p>18 1800 M Street, NW, Suite 1000</p> <p>19 Washington, DC 20036-5807</p> <p>20 Tel: 202 778 1996</p> <p>21 For Defendant National Westminster Bank, PLC:</p> <p>22 JONATHAN I. BLACKMAN ESQ. and SUE. H. RHEE</p> <p>23 Cleary, Gottlieb, Steen & Hamilton LLP</p> <p>24 One Liberty Plaza</p> <p>25 New York, NY 10006-1470</p> <p>Tel: 212 225 2000</p> <p>Also Present:</p> <p>COURT REPORTER:</p> <p>AILSA WILLIAMS</p> <p>European Deposition Services</p> <p>59 Chesson Rd</p> <p>London, W14 9QS</p> <p>Telephone: 44 (020) 7385 0077</p>	<p>1 I N D E X</p> <p>2</p> <p>3 STEPHEN FOSTER6</p> <p>4 DIRECT EXAMINATION BY MR.6</p> <p>5 WERNER:</p> <p>6 CROSS-EXAMINATION BY MR. 162</p> <p>7 SCHWARTZ:</p> <p>8 CROSS-EXAMINATION BY MR. 237</p> <p>9 BLACKMAN:</p> <p>10 INDEX OF EXHIBITS</p> <p>11 Foster 1 NW012925-3379</p> <p>12 Foster 2 NW014025-36 103</p> <p>13 Foster 3 NW013700 107</p> <p>14 Foster 4 NW013695-97 112</p> <p>15 Foster 5 NW212124 121</p> <p>16 Foster 6 NW180808-10 138</p> <p>17 Foster 7 NW013939-41 142</p> <p>18 Foster 8 NW066667-71 148</p> <p>19 Foster 9 NW067948-49 156</p> <p>20 Foster 10 NW180827-29 159</p> <p>21 Foster 11 NW088194-97 187</p> <p>22 Foster 12 NW017151-54 202</p> <p>23 Foster 13 "Press Room, US Dpt of 220</p> <p>24 the Treasury, (No Bates Nos.)</p> <p>25 Foster 14 NW066829-32 226</p>

<p>HIGHLY CONFIDENTIAL Page 5</p> <p>1 THE VIDEOGRAPHER: Good morning. This is the 2 beginning of tape one, volume one in the video 3 deposition of Mr. Stephen Foster. This is being taken 4 at the offices of Cleary Gottlieb in 55 Basinghall 5 Street, London, on July 16, 2010 at 9:59 am, as 6 indicated on the video screen. 7 The caption in this case is Tzvi Weiss et al, 8 National Westminster Bank, Natan Applebaum against 9 National Westminster Bank plc. This is being heard 10 before the United States District Court, for the Eastern 11 District of New York. The action number is 05cv4622 12 (DGT) (MDG). 13 The court reporter is Ailsa Williams and the 14 videographer is David Ross, both contracted through 15 European Deposition Services. Would counsel introduce 16 themselves, please. 17 MR. WERBNER: My name is Mark Werbner from 18 Dallas Texas. I represent the Applebaum family and the 19 others which have joined in with them in this lawsuit. 20 MR. SCHWARTZ: Stephen Schwartz, Kohn, Swift & 21 Graf, Philadelphia, Pennsylvania for the Weiss 22 plaintiffs. 23 MR. GOELMAN: Aitan Goelman from the law firm 24 of Zuckerman Spaeder, Washington DC, for the Weiss 25 plaintiffs.</p>	<p>HIGHLY CONFIDENTIAL Page 7</p> <p>1 would you like? 2 Q. Just an outline form, trace for me I guess 3 going back before you joined Royal Bank of Scotland for 4 let's say about 10 years? 5 A. Okay, I will talk you through the 1990s, 6 is probably the best thing to do. During that time I 7 was for five years with a firm of accountants who are 8 now known as Deloitte, responsible for primarily audit 9 and consulting relationships in the financial sector. 10 For two years I worked in a trade finance company 11 as a Financial Controller. For five years I worked for the 12 UK regulator, the Financial Services Authority. 13 Q. What years did you work, roughly, for the 14 UK regulators? 15 A. 1997 to 2002. 16 Q. Was your position at Deloitte just before 17 you joined Royal Bank of Scotland? 18 A. No, in Deloitte -- I left Deloitte in 19 1996. 20 Q. What was the company you worked for just 21 before you joined the Royal Bank of Scotland in 2002? 22 A. That was the Financial Services Authority. 23 The trade finance company, apologies for the timing, was 24 London Forfaiting Company plc from 96 to end of 97. 25 Q. Are you a chartered accountant?</p>
<p>HIGHLY CONFIDENTIAL Page 6</p> <p>1 MR. BLACKMAN: Jonathan Blackman, Cleary, 2 Gottlieb, Steen & Hamilton, with Susie Rhee, 3 representing the defendant NatWest and Mr. Foster. 4 THE VIDEOGRAPHER: Would the court reporter 5 please swear in the witness. 6 STEPHEN FOSTER 7 Having been duly sworn, 8 Testified as follows: 9 DIRECT EXAMINATION BY MR. WERBNER: 10 MR. WERBNER: Would you state your full name 11 for the record, please. 12 A. Stephen James Foster. 13 Q. Where do you live, Mr. Foster? 14 A. In England. 15 Q. What is your current job? 16 A. My current job is head of Anti-money 17 Laundering Sanctions and Terrorism for the Royal Bank of 18 Scotland Group. 19 Q. Have you ever worked for NatWest? 20 A. No. 21 Q. How long have you worked for the Royal 22 Bank of Scotland? 23 A. For about 7 years, since December 2002. 24 Q. What did you do before that? 25 A. A number of jobs. How much information</p>	<p>HIGHLY CONFIDENTIAL Page 8</p> <p>1 A. I am, yes. 2 Q. How long have you been a chartered 3 accountant? 4 A. I qualified in 1985 but I have never 5 practised as an accountant. 6 Q. What schools did you attend? 7 A. I attended Brentwood School in Essex in 8 England, which was my primary and secondary education, 9 until 1977, and then for 4 years at Oxford University. 10 Q. The famous Oxford University? 11 A. I don't know. Well, it is the Oxford 12 University in England, yes. 13 Q. It is famous. How long were you at 14 Oxford? 15 A. For 4 years. 16 Q. What did you study there? 17 A. I studied what is known as Classics, so 18 effectively Latin, Greek and Ancient History. 19 Q. Has that helped you be a chartered 20 accountant? 21 A. As I say, I have never practised as 22 a chartered accountant, but it helps I think with some 23 logic. 24 Q. I am just asking so I can pass on some of 25 this information to my son, who is starting College at</p>

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1 Berkeley next month.
 2 A. I wish him well.
 3 Q. Thank you. Do you live in Essex, England
 4 now?
 5 A. I do.
 6 Q. How did your employment with the Royal
 7 Bank of Scotland at the end of 2002 come about?
 8 A. I applied for a job, I was interviewed and
 9 accepted for the role.
 10 Q. Who did you interview with?
 11 A. Individuals?
 12 Q. Can you name any?
 13 A. I can remember one of them, who turned out
 14 to be my boss, a lady called Amanda Holt.
 15 Q. What was the position that you were
 16 interviewing about when you talked with Amanda Holt?
 17 A. That was to be responsible for policy for
 18 Anti-money Laundering and Sanctions in Terrorist
 19 Financing in the Group Risk Management function in the
 20 bank.
 21 Q. Have you stayed in that group your entire
 22 career at Royal Bank of Scotland?
 23 A. I have not done that role for the entire
 24 time, no.
 25 Q. How long did you play that role?

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1 A. I played that role until the end of 2006.
 2 Following that I moved to do what I would probably call
 3 a wider financial crime role within the Group
 4 until April 2009, since when I have held my current
 5 position.
 6 Q. Which is?
 7 A. Group Head of Anti-money Laundering
 8 Sanctions and Terrorist Financing.
 9 Q. Is it correct then that since you joined
 10 the bank at the end of 2002, through the current time,
 11 you have, as part of your job duties, Anti-money
 12 Laundering and Terror Financing for the bank?
 13 A. In the period when I went to do the wider
 14 Financial Crime role, I was not doing Anti-money
 15 Laundering or Sanctions in Terrorism, so I would say it
 16 was from 02 to 06 and then from 09 until now, but that
 17 middle piece I was not involved in the Anti-money
 18 Laundering.
 19 Q. What was your role in that middle period
 20 of 2006 to 2009, which you have described as a "wider
 21 Financial Crime area"?
 22 A. We have a division within the bank called
 23 Global Banking and Markets, which is our investment
 24 banking arm. During that period it was considered
 25 necessary to build a -- and at the time I was working in

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1 a Group Security & Fraud function -- it was considered
 2 necessary to develop a closer working relationship in
 3 matters of Fraud and Security with that Investment
 4 Banking division, and my boss at the time decided that
 5 that was a good role for me to play, so I would call it,
 6 I guess, a management relationship building role during
 7 that time.
 8 Q. Do you know a gentleman named Mike
 9 Hoseason?
 10 A. I do, yes.
 11 Q. Tell me please how you know Mr. Hoseason?
 12 A. When I first joined the bank Mike was
 13 responsible in the operations area for -- I have to cast
 14 my mind back. I can't remember exactly what he was
 15 responsible for but I think he was in Group Security &
 16 Fraud when I joined.
 17 Q. Was there a working between your area in
 18 the Anti-money Laundering and Terror Financing and
 19 Hoseason's area dealing in operations, Group Security &
 20 Fraud?
 21 A. Did you say "why"?
 22 Q. Was there an interaction, if there was?
 23 A. Because the role of the group team was to
 24 set the policy for the bank. Divisions of the bank, be
 25 it Retail or Corporate or Investment Banking, were

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1 responsible for implementing the policy, and at the time
 2 we had a division which was called Manufacturing, which
 3 was effectively the operating room of the bank. It
 4 carried out all the back office support functions in
 5 order to service customers. Group Security & Fraud were
 6 part of that division, and Mike was responsible for some
 7 of the Suspicious Activity Reporting, some of the Money
 8 Laundering operating areas, and therefore we would have
 9 had interaction with him.
 10 Q. I think I get it, but just to be sure, was
 11 the group that you worked in from the end of 2002 until
 12 the end of 2006 within Manufacturing Operations?
 13 A. It was not, no, it was a Group function.
 14 So maybe if I explain. I suppose there are three
 15 distinct areas of the bank. Group functions, which
 16 would for example cover HR, Human Resources, Group
 17 Communications, Group Risk, which is what I was in.
 18 Secondly, you would have the business divisions
 19 which were facing off to customers, as I said, Retail,
 20 Corporate, Investment Banking and then Manufacturing, which
 21 ran all the support operations for the group, and it just so
 22 happened, so this is probably where you are confused, is
 23 that Group Security & Fraud was within Manufacturing, not as
 24 a Group function. Sorry, I maybe did not explain that.
 25 Q. Now I understand.

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1 abreast of UK legislation, for example. I really don't
 2 know specifically. I didn't do it myself.
 3 Q. How many of the seven or so people on your
 4 team had Internet access?
 5 A. I don't know.
 6 Q. Do you know of any of them that did not?
 7 A. I don't know, no.
 8 Q. Did you become aware, in August 2003 or
 9 thereabouts, that the United States Government had
 10 designated Interpal, a United Kingdom entity, as
 11 supporting the terrorist group known as Hamas?
 12 A. I was not aware at that time.
 13 Q. How long after the US Department of
 14 Treasury made that designation of Interpal did you
 15 become aware of it?
 16 A. I don't recall specifically but it was --
 17 I can't remember the date but it was not at that time.
 18 Q. Approximately when was it?
 19 A. When a consideration was made of the
 20 account I was asked some information, but that was
 21 a while later I think.
 22 Q. Do you think from your memory it was
 23 weeks, months, years, after the designation?
 24 MR. BLACKMAN: Object to form. You may
 25 answer.

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1 A. We will probably establish the various
 2 timelines later and it will become clearer to me, yes.
 3 Q. As you sit here now, was it a matter of
 4 weeks, months or years?
 5 MR. BLACKMAN: I am going to object again to
 6 the form. I would invite you to show him the document.
 7 A. Is there a document which would help me
 8 answer that question?
 9 Q. Which one?
 10 A. The one you have there?
 11 Q. I don't know but I will be happy to hand
 12 it to you.
 13 A. If it would help me answer the question.
 14 Q. You cannot tell me if it was weeks, months
 15 or years --
 16 A. No.
 17 Q. This is deposition Exhibit Hoseason 25.
 18 Do you recognize that document?
 19 A. No.
 20 Q. Have you ever seen it?
 21 A. No.
 22 Q. Who told you that Interpal had been
 23 designated as involved in a financing terror
 24 organization known as Hamas?
 25 A. I don't recall who specifically told me.

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1 Q. In general, do you know who it was?
 2 A. Well, it would have been -- I don't think
 3 I was -- it is difficult to recall. It would have been
 4 from the Corporate Banking Division.
 5 Q. But you don't remember who?
 6 A. No.
 7 Q. So you don't know who told you, you don't
 8 remember when it was that you learned that US Government
 9 had designated Interpal as involved in financing the
 10 terror group known as Hamas?
 11 MR. BLACKMAN: Objection, asked and answered.
 12 You may answer.
 13 A. No.
 14 MR. WERBNER : Let's pause for the fire drill.
 15 THE VIDEOGRAPHER: Off the record 11:28. I
 16 have not gone off.
 17 MR. BLACKMAN: We are on and there is been no
 18 fire.
 19 THE VIDEOGRAPHER: Still on the record.
 20 MR. WERBNER: When you learned that the United
 21 States had declared that Interpal was involved in
 22 financing the terror group known as Hamas, was NatWest
 23 still rendering financial services at the time to
 24 Interpal?
 25 A. I don't remember when I found out about it

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1 but we held an account for Interpal at that time, yes.
 2 Q. And you were permitting them to execute
 3 transactions in and out?
 4 A. As a bank, yes.
 5 Q. And how long after NatWest learned that
 6 the US Government designated Interpal as involved in
 7 financing the terrorist group known as Hamas did the
 8 bank continue to execute transactions for Interpal?
 9 A. I don't recall for specifically how long.
 10 Q. Once your advice was sought, did you
 11 advise others at NatWest that they did not need to stop
 12 providing those financials services to Interpal?
 13 A. I was not asked for that opinion.
 14 Q. Did you express an opinion in any way?
 15 A. No.
 16 Q. What was your response when that matter
 17 was brought to your attention?
 18 A. I was asked as part of a review of the
 19 account by Corporate Banking Division for my -- I was
 20 told about it and I indicated to them that it was their
 21 responsibility to make a decision on the account.
 22 Q. So you just passed and said "not my job",
 23 right?
 24 A. No.
 25 MR. BLACKMAN: Objection to the form of the

HIGHLY CONFIDENTIAL Page 57

1 question, misstates the testimony.
 2 Q. Your answer?
 3 A. No.
 4 Q. What did you do?
 5 A. I don't specifically recall what I did.
 6 Q. I am not asking you specifically. Do you
 7 recall generally what you did when you were told that
 8 NatWest customer, Interpal, had been designated as
 9 involved in financing Hamas?
 10 A. The Group had -- the Corporate Banking
 11 Division, which held the customer's account, had made an
 12 assessment of the account as a result of a second
 13 Charities Commission investigation into the charity, and
 14 it was as a result of that that the Corporate Banking
 15 Division were making a decision as to whether to retain
 16 the account.
 17 Q. Well then why were you asked anything, if
 18 you were not involved or your advice was not being
 19 sought?
 20 MR. BLACKMAN: Objection to form, misstates
 21 the testimony, but you may answer.
 22 A. I don't know.
 23 MR. BLACKMAN: It would help, since we know
 24 that there are documents dealing with this, if you
 25 showed them. They might actually help him answer the

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1 question in some more detail, but that is up to you.
 2 MR. WERBNER : Did you ever seek information
 3 about the US declaration of Interpal as an organization
 4 involved in financing the Hamas terror group, after you
 5 learned of that designation?
 6 A. No.
 7 Q. You didn't get on the computer to look at
 8 the information provided by the US Department of
 9 Treasury, who had made that designation?
 10 MR. BLACKMAN: Objection, question just been
 11 asked and answered, and the form of the question is
 12 inappropriate. You may answer.
 13 A. No.
 14 Q. Why not?
 15 A. The responsibility for maintaining the
 16 account was with the Corporate Banking Divisions, and
 17 they would have done that.
 18 Q. Did you ever discuss the subject with
 19 anyone?
 20 A. Which subject?
 21 Q. Interpal and the fact that it had been
 22 designated by the US Government as involved in financing
 23 the terror group known as Hamas?
 24 A. I was aware of the Corporate Banking
 25 review of the account.

HIGHLY CONFIDENTIAL Page 59

1 Q. Who was doing it?
 2 A. Individuals within Corporate Banking
 3 Division. I can't remember their names.
 4 Q. Not any of them?
 5 A. Well, I understand Guy Cole, one of the
 6 individuals in that team was involved.
 7 Q. How do you know that Guy Cole was doing
 8 it?
 9 A. Because he was responsible within that
 10 team for Anti-money Laundering Compliance.
 11 Q. And what team was that?
 12 A. The Anti-money Laundering Team within the
 13 Corporate Banking Division.
 14 Q. The one headed up by Mike Hoseason?
 15 A. No.
 16 Q. Which one?
 17 A. Well, the divisional team responsible for
 18 Anti-money Laundering within Corporate Banking.
 19 Mr. Hoseason was in Group Security & Fraud within the
 20 Manufacturing Division.
 21 Q. Did you talk to him?
 22 MR. BLACKMAN: Mr. Cole?
 23 A. I don't recall. Yes, Mr. Cole?
 24 Q. Were we talking about somebody else?
 25 A. You just mentioned Mr. Hoseason. I was

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1 not sure which one you meant.
 2 Q. Let's do both. Did you ever talk to
 3 Mr. Hoseason about the designation by the US Government
 4 of Interpal as being involved in financing the terror
 5 group known as Hamas?
 6 A. I don't recall doing so.
 7 Q. Did you ever talk to Mr. Guy Cole about
 8 the United States declaration of Interpal as involved in
 9 financing the terror financing group known as Hamas?
 10 A. I don't recall so.
 11 Q. Do you recall talking to anybody about
 12 that?
 13 A. I recall talking to Mrs Holt.
 14 Q. Tell me about that conversation?
 15 A. That would have been at the time of, as
 16 I describe, the review by the Banking Division of their
 17 relationship. She would have needed to have been aware
 18 of it.
 19 Q. What did you tell her?
 20 A. I don't recall. Well, if anything,
 21 I would have brought the information to her, but I don't
 22 remember specifically what I told her at the time.
 23 Q. Do you remember generally?
 24 A. No.
 25 Q. When you say "I don't recall what if

HIGHLY CONFIDENTIAL Page 61

1 anything", what does that mean, "what if anything". Is
 2 it your testimony that you are not sure if you told
 3 Amanda Holt anything about the US designation of
 4 Interpal?
 5 MR. BLACKMAN: Objection to the form.
 6 A. I would have told Amanda Holt about the
 7 review within the Corporate Banking Division of the
 8 relationship, because it had been mentioned, would have
 9 been mentioned to me, but this was after the second
 10 Charities Commission investigation.
 11 Q. When was that?
 12 A. I believe that was in 2003.
 13 Q. Did you tell Ms Amanda Holt about that in
 14 person, on the phone, in a meeting, via e-mail?
 15 A. I don't recall.
 16 Q. What is your explanation as to why you
 17 don't recall any of these things?
 18 MR. BLACKMAN: Mr. Werbner, that is a totally
 19 improper question. You may answer but I object
 20 strenuously. How can someone -- never mind.
 21 A. It is a long time ago and there was lots
 22 happening. I was a busy person. This would not
 23 necessarily have stood out that much.
 24 Q. You were too busy?
 25 A. No.

HIGHLY CONFIDENTIAL Page 62

1 Q. What do you mean, you are a busy person?
 2 A. I just mean that this does not -- I can't
 3 recall a lot of what happened that long ago. It doesn't
 4 mean there is anything specific that I was too busy,
 5 I just don't recall it.
 6 Q. Working for NatWest in the area of
 7 prevention of terror financing, was it not significant
 8 at the time that you learned that transactions were
 9 being done by the bank for Interpal, an entity
 10 designated by the United States Government as financing
 11 the terror group known as Hamas?
 12 MR. BLACKMAN: Object to the form of the
 13 question.
 14 A. Sorry, you need to repeat the question to
 15 me.
 16 (Read back)
 17 A. Well, I was not close to the operation of
 18 the Interpal relationship at all. When I was made aware
 19 of it, as part of the Corporate Banking Division's
 20 review, as we described, I would have mentioned it to
 21 Mrs Holt.
 22 Q. It was significant to you, wasn't it?
 23 MR. BLACKMAN: Objection to form. You may
 24 answer.
 25 A. It was something I dealt with.

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1 Q. It was not a minor matter, though, was it?
 2 MR. BLACKMAN: Objection to form.
 3 A. We took account of the OFAC list and
 4 therefore this was a factor in the Corporate Banking
 5 Department's decision as to how to maintain that
 6 account.
 7 Q. This was unusual, was it not, for you to
 8 learn that a NatWest customer was listed as supporting
 9 the Hamas terror organization while executing financial
 10 transactions through the bank?
 11 MR. BLACKMAN: Objection to form.
 12 A. I am not sure what you mean by "unusual".
 13 Q. I am asking you -- was it usual or not for
 14 that type of information to come to you?
 15 MR. BLACKMAN: Objection to form.
 16 A. It was unusual.
 17 Q. Had you ever been told by somebody at
 18 NatWest that you had a customer that was executing
 19 financial transactions through the bank that was listed
 20 as financing a terror organization, according to the
 21 United States Government?
 22 A. No.
 23 Q. Did you have any role, and I mean your
 24 team as well, in contacting bank customers to ask
 25 questions where they were suspected of terror financing?

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1 A. No.
 2 Q. Were there any changes in your group's
 3 procedures or processes after the terror attacks in the
 4 United States on September 11, 2001?
 5 A. It is difficult for me to remember, partly
 6 because I joined in December 2002. Would it help me to
 7 answer the question if you showed me the document?
 8 Q. You have no idea what I am holding in my
 9 hand, do you?
 10 A. No, I don't.
 11 Q. It could be an outline, it could be a note
 12 to myself, so don't freak out every time I hold
 13 a document in my hand.
 14 A. No, I am just trying to help.
 15 Q. Well, if there is a specific document you
 16 want to see to give more accurate testimony, ask me or
 17 your counsel, and we will see if that can be
 18 accommodated, but I think we are wasting time when
 19 I look at a piece of paper. Okay?
 20 MR. BLACKMAN: All right, so that we don't
 21 waste time, what I would suggest is since we have
 22 produced to you a whole chain of e-mails that goes into
 23 considerable detail about the matter that Mr. Foster is
 24 struggling to remember after 7 years about the
 25 discussion of continuing to provide services to Interpal

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1 following the OFAC designation, that you show him them.
 2 I think that way you might actually get a better
 3 recollection than one can give sitting without it, so
 4 I would actually make that request.
 5 Q. Mr. Foster, did you ever look at any
 6 documents pertaining to Interpal, and I mean bank
 7 documents, bank documents that were within the bank's
 8 files -- strike that.
 9 Mr. Foster, did you ever look at any records
 10 that were possessed by NatWest that related to Interpal?
 11 A. I don't recall doing so.
 12 Q. Could you have done so if you had wanted?
 13 A. I could have done so, yes.
 14 Q. Did you ever look at a document in which
 15 Mr. Hoseason discussed an article that linked Interpal
 16 to Hamas?
 17 A. I don't recall doing that.
 18 Q. Heading up a team of people in NatWest who
 19 were involved in the prevention of terror financing,
 20 would it have concerned you to learn of links between
 21 Interpal and Hamas?
 22 MR. BLACKMAN: Objection to form. You can
 23 answer.
 24 A. If they -- yes, it would have done.
 25 Q. And you would have known by late 2002,

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1 when you joined NatWest, that Hamas had been declared to
 2 be a terrorist organization by many governments and
 3 entities, correct?
 4 A. I would have known that, yes.
 5 Q. And so any NatWest customer that NatWest
 6 believed was engaging in financial services with Hamas
 7 would have given the bank significant concern, correct?
 8 A. If they had been engaged with Hamas, yes.
 9 Q. Are you saying that the bank would have
 10 been concerned only if the customer was dealing directly
 11 with Hamas and not indirectly?
 12 A. It is difficult for me to answer that
 13 because of the fact the policy was implemented within
 14 divisions, but I think yes.
 15 Q. Under the policy that your team issued for
 16 NatWest, would it have been okay for the bank to execute
 17 financial transactions with an entity believed to be
 18 a front for Hamas?
 19 MR. BLACKMAN: Objection to form.
 20 A. In principle, no, but the policy that
 21 I wrote, my team wrote, would not have gone into that
 22 sort of detail.
 23 Q. What do you mean when you say "in
 24 principle, no"?
 25 A. Well, because the bank's policy is not to

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1 support the financing of terrorism.
 2 Q. Through direct dealings with a terror
 3 organization or through indirect dealings, correct?
 4 A. Well, it would, yes.
 5 Q. Based on your training and prior
 6 experience before coming to the bank, did you have any
 7 information that indicated terror groups often used
 8 charities as fronts to conceal their criminal
 9 activities?
 10 A. I had read newspaper articles to that
 11 extent, yes.
 12 Q. And did you believe that to be the case at
 13 the time you joined the bank in 2002?
 14 A. I had no reason to disbelieve it but I had
 15 no evidence to suggest that that was the case.
 16 Q. In the training that your team conducted
 17 or the materials that were issued, were bank staff
 18 informed to be alert to dealing with charities to watch
 19 for transactions that may be related to terrorism or
 20 terror organizations?
 21 A. I don't recall if the training -- sorry,
 22 was the question around charities specifically?
 23 Q. I think so, but let's have it read back so
 24 there is no question about it.
 25 (Read back)

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1 A. My team did not conduct training for the
 2 divisions, that was the responsibility of the divisions,
 3 and I don't recall if it was specifically within the
 4 training that the divisions delivered. I don't recall
 5 it.
 6 Q. You attended training provided by NatWest
 7 in the area of prevention of terror financing, correct?
 8 A. Possibly the training I attended was
 9 external. I tended to have my training, so to speak,
 10 from my on-the-job experience.
 11 Q. What external training did you receive in
 12 the prevention of terror financing while you had your
 13 career at the bank?
 14 A. It depends how you define "training". I
 15 have attended workshops and some conferences.
 16 Q. Anything else?
 17 A. No.
 18 Q. When did those occur?
 19 A. At various times over the past years.
 20 Q. Can you give me an estimate of when those
 21 two things occurred, or maybe it was more than two
 22 things?
 23 A. It is difficult. On a number of occasions
 24 in the past 7 years, some when I first joined, but I
 25 can't remember the last one.

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1 Q. Can you give me an estimate? Are we
 2 talking about a couple or five or six, more than ten? I
 3 don't know, can you try to tell me generally?
 4 A. Ten maybe.
 5 Q. Okay. Were all of these conducted in
 6 Great Britain?
 7 A. Yes, they were.
 8 Q. Have you ever travelled to the United
 9 States in connection with your work for the bank?
 10 A. I have, yes.
 11 Q. For what purpose?
 12 A. To see the businesses over there who are
 13 part of the group.
 14 Q. Which are what?
 15 A. We have Citizens Financial Group. We have
 16 an operation of a branch of RBS plc in New York. We
 17 have a securities broker dealer in Connecticut and
 18 a merchant acquiring and card business in Atlanta,
 19 Georgia.
 20 Q. What is the name of the broker dealer?
 21 A. RBS Securities Inc, I think.
 22 Q. How many branches of Citizens Bank
 23 approximately are there in the United States?
 24 A. I don't know.
 25 Q. How often have you visited the United

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1 States for that purpose?
 2 A. Between 2002 and 2006, I maybe went four
 3 times.
 4 Q. For a day or two or a week or so?
 5 A. It would have been a week or so.
 6 Q. Did you go with anyone?
 7 A. Generally, I would have gone sometimes on
 8 my own, sometimes with a colleague.
 9 Q. Would the colleague have been within your
 10 field of work?
 11 A. One of the occasions I recall was with my
 12 boss, Mrs Holt.
 13 Q. What was the purpose of that trip?
 14 A. Generally, it would have been to see the
 15 management of those businesses in America, to understand
 16 their business.
 17 Q. Did it relate to the business that you and
 18 Mrs Holt were involved in here in the UK?
 19 A. Yes.
 20 Q. And that included anti-money laundering
 21 and anti-terror financing?
 22 A. We would speak to the individuals in those
 23 businesses who had responsibility for that, yes.
 24 Q. Were you learning or were you teaching?
 25 A. We were exchanging views of issues and

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1 policy.
 2 Q. Who were the people in the US that you did
 3 that with on those trips?
 4 A. A variety of people.
 5 Q. Can you recall the names of any?
 6 A. I can recall the name of the Banking
 7 Secrecy Act Officer in Citizens Financial Group.
 8 Q. What is his or her name?
 9 A. Her name is Holly Dorr.
 10 Q. Can you give me an example, so I can
 11 better understand the purpose of those meetings, as to
 12 how they were conducted?
 13 A. They were not to give training, which I
 14 think is what you were suggesting. They were more to
 15 understand the nature of the business and the
 16 implementation of the policy within those institutions.
 17 Q. And was that two-way? In other words, you
 18 imparting that information to the US people and the US
 19 people imparting it to you?
 20 A. Yes, it was an exchange of views, yes.
 21 Q. Was there any discussion about procedures
 22 for or policies related to the prevention of terror
 23 financing?
 24 A. Yes.
 25 Q. Give me an example, please?

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1 A. We had a Group policy, as I have
 2 described, and in those institutions in the United
 3 States that I have just described there were also
 4 policies and procedures to ensure compliance by that
 5 business with anti-money laundering and sanctions in
 6 terrorism requirements.
 7 Q. How did the two compare?
 8 A. The local businesses were meant to comply
 9 with our policy in implementing theirs.
 10 Q. I am not sure I understand. Could you
 11 explain that?
 12 A. So the Group policy would be the minimum
 13 standard, and local divisions were required to implement
 14 their policy to their local requirements, but up to the
 15 Group standard.
 16 Q. In the US, was there a Group level dealing
 17 with anti-money laundering or anti-terrorism?
 18 A. It was not a Group function; it was done
 19 in the businesses.
 20 Q. So in effect you were above those people,
 21 as far as that area of being a representative of the
 22 Group, is that correct?
 23 A. It depends what you mean by "above". They
 24 did not report to me. We were a Group function and the
 25 US policy was required to be implemented, but in the US,

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1 obviously, we had to comply in full with the OFAC
 2 requirements.
 3 Q. Did you discuss when you were in the
 4 United States on those occasions, between 2002 and 2006,
 5 the United States OFAC list of terrorists and terror
 6 organizations and those financing them?
 7 A. We would have done so in general with
 8 those businesses, yes.
 9 Q. Why?
 10 A. Because they are required to comply with
 11 them.
 12 Q. What did you say to them about policies in
 13 the UK about that?
 14 A. I don't recall discussing it with them.
 15 Q. Can you remember any other occasion than
 16 Interpal when a NatWest customer was a charity that
 17 became suspected of terror financing?
 18 A. No.
 19 MR. WERBNER: Let's take a short break. The
 20 videographer indicates we need to make a change.
 21 THE VIDEOGRAPHER: End of tape one, volume one
 22 in the deposition of Mr. Stephen Foster. Going off the
 23 record at 11:56 am, as indicated on the video screen.
 24 (A short break)
 25 THE VIDEOGRAPHER: This is the beginning of

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1 tape two, volume one in the video deposition of
 2 Mr. Stephen Foster. Back on the record at 12:09 pm, as
 3 indicated on the video screen.
 4 MR. WERBNER: Mr. Foster, before the break you
 5 were telling me about the US operations of NatWest, do
 6 you recall.
 7 A. Yes, I do.
 8 Q. And we discussed briefly your visits to
 9 the United States to meet with those entities of the
 10 bank, correct?
 11 A. Correct.
 12 Q. Did those US parts of NatWest need to
 13 comply in regard to the prevention of terror financing
 14 with the Bank of England sanction list?
 15 A. There was no obligation on them to comply.
 16 Q. Was it the policy?
 17 A. It was the policy, yes.
 18 Q. And you conveyed to those US operations of
 19 NatWest in the United States that it was the policy of
 20 the bank for them to comply in their anti-terror
 21 financing with the Bank of England?
 22 A. Yes, I must admit I am trying to recall
 23 the detail of how it was implemented, but that would
 24 have been the case, yes.
 25 Q. Do you remember an Anti-money Laundering

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1 Action Group?
 2 A. I do, yes.
 3 Q. What do you recall about that and the
 4 role, if any, that you played with it?
 5 A. It was a group that I chaired from Group
 6 Risk Management, and was a chance for heads of
 7 Anti-money Laundering in the different divisions of the
 8 Group to get together on a regular basis to discuss
 9 matters of policy and practice, share knowledge.
 10 Q. How long did you head that Group?
 11 A. I think I took it over fairly soon after
 12 I joined and I think until I moved on.
 13 Q. In late 2006?
 14 A. Yes, I think so, yes.
 15 Q. How often did the Anti-money Laundering
 16 Action Group that you led for NatWest meet?
 17 A. I think, I recall at the beginning it was
 18 quarterly, but I think I changed it to monthly actually
 19 because -- or it may have the other way around, but it
 20 was monthly at some stage.
 21 Q. About how many people attended that group?
 22 A. It varied, depending on who was available,
 23 but it would have been maybe between 10 and 15 people.
 24 Q. Where did the meeting occur?
 25 A. Generally, I chaired it from London, and

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1 people would dial in from various locations.
 2 Q. Were there agendas for those Group Action
 3 meetings?
 4 A. I believe there were, yes.
 5 Q. Do you know who prepared those?
 6 A. I would have been partly responsible for
 7 deciding what went on the agenda.
 8 Q. Were there minutes kept, and by that
 9 I mean broadly notes made, summaries?
 10 A. There were minutes of those meetings, yes.
 11 Q. Who prepared those?
 12 A. I don't recall specifically who prepared
 13 them, but they would have been in my team because
 14 I chaired it.
 15 Q. Were they circulated beyond the members of
 16 the Anti-money Laundering Action Group?
 17 A. Beyond the members?
 18 Q. Right.
 19 A. Not by me. I might have given them to my
 20 boss, but not by me.
 21 Q. As far as you know, was it pretty much
 22 that the minutes were sent to the people who were
 23 attending or their bosses, as opposed to beyond that?
 24 A. I recall that they would certainly have
 25 been circulated to the people attending.

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1 Q. Do you know if they went beyond that?

2 A. I don't know.

3 Q. Who maintained those agendas and minutes,

4 as far as keeping them in a file?

5 A. It would have been in my team.

6 Q. Who on your team attended those Anti-money

7 Laundering Action Group meetings?

8 A. I recall that I did, predominantly because

9 I chaired it. I think Ian Wickens attended. I think

10 Mr. Hoseason sometimes attended, and then the divisional

11 heads of Anti-money Laundering. Sorry, you asked from

12 my team, which was only me, Mr. Wickens. I am not sure

13 of anybody else.

14 Q. You mentioned Mr. Hoseason. He was not on

15 your team or even the same group. He was in another

16 group, correct?

17 A. He was in another team within a division,

18 yes.

19 Q. And Mr. Hoseason's team in this other

20 group were the ones that dealt with dealing with

21 Suspicious Activity Reports and making disclosures when

22 appropriate to NCIS?

23 A. Yes.

24 Q. So this Anti-money Laundering Action Group

25 was a monthly or quarterly opportunity for those two

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1 teams to come together, at least at the leadership

2 level, correct?

3 A. Yes.

4 Q. Was it Ms Holt that asked you to chair

5 that Group?

6 A. I don't recall.

7 Q. Anyone else you can think of that may have

8 done that?

9 MR. BLACKMAN: Objection.

10 A. What, asked me to chair it?

11 Q. Right.

12 A. It would only have been her.

13 Q. Is this Group still in existence today, to

14 your knowledge?

15 A. Not in that -- no, it has changed a lot,

16 so I would not say it is in existence.

17 Q. Do you know when its ending came or

18 change?

19 A. No.

20 Q. Did the group discuss terror financing?

21 A. In generality, yes. They wouldn't have

22 been specific.

23 Q. How long typically did these Anti-money

24 Laundering Action Group meetings that you chaired last?

25 A. I think I recall them being an hour or an

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1 hour and a half.

2 Q. Was Interpal ever discussed at any of

3 those Action Group meetings that you chaired?

4 A. Not that I recall.

5 Q. Could we have this marked please as Foster

6 number 1.

7 (Exhibit Foster 1 marked for identification)

8 Take a minute to look that over and then I will

9 have some questions for you. Are you ready and have you had

10 enough time to look at it?

11 A. Yes.

12 Q. Can you identify this document, please,

13 sir?

14 A. In what way?

15 Q. Just generally describe what it is?

16 A. It is an e-mail sent from Group Risk

17 Management to a number of business areas, containing

18 a list of names which the divisions were required to

19 search against their records.

20 Q. And do what then?

21 A. If they identified them, they would need

22 to report them.

23 Q. To whom?

24 A. To my team.

25 Q. Did you receive this e-mail on or

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1 about August 26, 2003?

2 A. I don't remember specifically receiving

3 it.

4 Q. Do you have any reason to doubt that you

5 received this exhibit on or about August 26, 2003?

6 A. No.

7 Q. From your review of it, do you have any

8 reason to doubt that this is a true and correct copy of

9 the e-mail sent to you and all these other people?

10 MR. BLACKMAN: Object to the form because it

11 has got a whole bunch of stuff that was redacted as

12 non-responsive, so obviously to that extent it is not

13 a true and correct copy.

14 A. I mean, I don't know where it has come

15 from but --

16 Q. It came from your counsel.

17 A. But it is weird that my e-mail address is

18 GS&F AML. I do not understand that because that is not

19 where I was at the time. So that slightly concerns me,

20 because it should have said Group Risk Management I

21 think, but it is very strange.

22 Q. A number of the people copied on this

23 e-mail of August 26, 2003 from Mr. Connor, from their

24 e-mail, appear to be employees of Citizens Bank in the

25 United States. Do you notice that?

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1 matter, right?

2 MR. BLACKMAN: Objection to form, lack of

3 foundation. You may answer.

4 A. We would have -- the bank and other

5 institutions would have had contact with the National

6 Terrorist Finance Investigations Unit as a matter of

7 routine, because they were one of the authorities with

8 whom we dealt.

9 Q. It would still be serious when the bank

10 was communicating with Scotland Yard about a \$180,000

11 payment that involved Interpal and the Islamic

12 Charitable Society for the Support of Al-Aqsa, right?

13 MR. BLACKMAN: Objection to form. You may

14 answer.

15 A. Well, I mean this is a conversation in

16 relation to a Suspicious Activity Report, which we did

17 as a routine part of our job, yes.

18 Q. But that is a serious part of the job,

19 right?

20 A. It is a very important part of our job to

21 submit Suspicious Activity Reports to the authorities,

22 yes.

23 Q. Why?

24 A. Because it allows them to use suspicions

25 we send in to investigate.

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1 Q. And it is up to the bank to determine

2 whether to allow the customer to continue to engage the

3 financial services of the bank, correct?

4 A. On any occasion we have that ability.

5 Q. Now, Dedrei Nell of your group, within an

6 hour of receiving the e-mail from Tony, forwards it on

7 to you, correct?

8 A. It looks like it, yes. It is interesting

9 that it is a different e-mail address, but we will not

10 go into that again.

11 Q. No, I see what you have been saying about

12 that, and thank you for pointing that out. Ms Nell, in

13 forwarding this to you in September 03, says: "FYI", for

14 your information, correct?

15 A. I guess that was it, yes.

16 Q. Would you have read this e-mail that she

17 sent to you?

18 A. I may well have done but I can't remember.

19 Q. All right. So would this be a document

20 directed to you or at least sent to you that reflects

21 you would have known about Interpal and prior

22 disclosures to the criminal authorities and recent

23 discussions with them concerning Interpal?

24 MR. BLACKMAN: Objection, document speaks for

25 itself. You may answer.

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1 A. As I think I have said, I don't know if

2 this was the first time that I heard of Interpal.

3 I would not have known that a SAR was submitted because

4 we didn't see the SARs when they were submitted to the

5 authorities, and I would not have known of any

6 conversations Tony or his team would have had with

7 people like the Special Branch.

8 Q. Objection, not responsive. If you read

9 this short e-mail, you would have known that

10 a disclosure about Interpal had been made to the

11 criminal authorities before September 03, correct?

12 A. The implication from this is that we had

13 submitted a SAR, yes.

14 Q. And if you had read this short e-mail you

15 would have known in the middle of September 2003 that

16 people on the Money Laundering Team were talking to

17 Scotland Yard about Interpal, correct?

18 A. Yes.

19 Q. And so are you willing to acknowledge

20 that, to the best of your recollection, you knew about

21 the Interpal situation at least by the middle

22 of September 2003?

23 MR. BLACKMAN: Object to form. You can

24 answer.

25 A. Yes, so as I think I said, I don't recall

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1 when I first heard about it. My recollection was that

2 it was when the Corporate Banking Division did their

3 review, and that still stands.

4 Q. But when so much time has passed, six or

5 more years, wouldn't you think that the e-mails and

6 other internal documents of the bank that have your name

7 on it would be the best place to look for when you knew

8 about Interpal?

9 A. They indicate that someone sent some

10 information to me, but as I say I just don't really

11 recall it.

12 Q. I understand, but my question is to see if

13 you are willing to acknowledge that these e-mails that

14 were sent to you by people on your team, dating them and

15 addressing Interpal, do you have any reason to think

16 that information is unreliable?

17 A. No.

18 Q. I am going to ask the court reporter to

19 mark this document NW13695 as the next deposition

20 exhibit.

21 (Exhibit Foster 4 marked for identification)

22 What is the number on that?

23 A. Exhibit number 4.

24 Q. Can you identify deposition Exhibit number

25 4 for us, Mr. Foster?

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1 MR. BLACKMAN: I think Mr. Werbner was asking
 2 you not about that investigation and not about what he
 3 was previously asking, but something that occurred
 4 before you even joined the bank.
 5 A. Absolutely.
 6 MR. BLACKMAN: So just don't make assumptions
 7 about that. None of what you are saying now is within
 8 your own knowledge anyway.
 9 A. I apologize.
 10 MR. BLACKMAN: Answer the questions to the
 11 best of your ability.
 12 MR. WERBNER: Would you read it back, please?
 13 MR. BLACKMAN: I think there is not a pending
 14 question. Do you have a question?
 15 Q. Are you sure that your bank did not have
 16 information that linked Interpal to Hamas
 17 in September 2001?
 18 A. I couldn't tell. It is before I joined
 19 the bank.
 20 Q. I was and I will in a moment ask you
 21 a hypothetical based on what you knew to be the practice
 22 of the bank from 2002 to 2006, but I want to show you
 23 a document first, and it is NW212124.
 24 (Exhibit Foster 5 marked for identification)
 25 Q. What is the exhibit number?

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1 A. Exhibit 5.
 2 Q. Looking at deposition Exhibit 5, do you
 3 see it is a communication written by Mr. Hoseason of the
 4 Group Investigations & Fraud area of the bank?
 5 A. Yes.
 6 Q. Do you see what the date is?
 7 A. I do.
 8 Q. What is it?
 9 A. 27 September 2001.
 10 Q. And you know who the Economic Crime Unit
 11 of the National Criminal Intelligence Services is,
 12 correct?
 13 A. I do, yes.
 14 Q. That is who the bank communicates with
 15 when they have suspicions about terror financing?
 16 A. Any suspicions of any form of criminal
 17 activity are reported to NCIS, yes.
 18 Q. Including terror financing?
 19 A. Including terror financing, yes.
 20 Q. Do you see where Mr. Hoseason refers to an
 21 article that gives details of a NatWest connection of
 22 Interpal?
 23 A. Yes, I do.
 24 Q. Do you see where Mike Hoseason states in
 25 reference to this article that there are allegations

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1 that Interpal is linked with Hamas?
 2 MR. BLACKMAN: Objection to form, misstates
 3 the document, but you can read the document.
 4 A. Yes, the article to which he is drawing
 5 the attention of NCIS makes allegations of links with
 6 Hamas.
 7 Q. What does he state in the last paragraph,
 8 that is Mr. Hoseason of the bank to the Criminal
 9 Intelligence Service?
 10 A. He states that -- would you like me to
 11 read it?
 12 Q. Please.
 13 A. "We are currently undertaking a thorough
 14 review of the activity through all the accounts held for
 15 the Palestinian Relief and Development Fund - Interpal,
 16 with a view to making a full disclosure in due course."
 17 Q. Based on your working with Mr. Hoseason
 18 when you joined the bank and serving on this Action
 19 Group with him that you mentioned, do you have any
 20 reason to doubt Mr. Hoseason's statement that the bank
 21 was undertaking a thorough review of the activity in the
 22 Interpal accounts?
 23 A. I have no reason.
 24 MR. BLACKMAN: Before you answer the question
 25 I need to make my objection. Object to hypothetical

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1 questions about documents the witness has never seen
 2 about events before he joined the bank, and I don't
 3 think it is proper to try to couch it in terms of what
 4 you know of Mr. Hoseason, but you may answer the
 5 question.
 6 A. Okay. That is fair, because I was not
 7 there at the time, but I wouldn't doubt what he said.
 8 Q. Once you joined the bank, if NatWest had
 9 information that linked Interpal to Hamas, and was
 10 suspicious that Interpal was using its NatWest accounts
 11 for terror financing, would you want the bank to conduct
 12 a thorough review of the activity through all of those
 13 accounts?
 14 MR. BLACKMAN: Object to the form of the
 15 question. You may answer.
 16 A. I think, as I have said, if we had been
 17 suspicious of any customer then we would have been doing
 18 that.
 19 Q. Including Interpal?
 20 A. Had we been suspicious.
 21 Q. So had the bank been suspicious that
 22 Interpal was engaged in terror financing, the bank would
 23 have been conducting a thorough review of the activity
 24 in those accounts, correct?
 25 MR. BLACKMAN: Strongly object to that

<p>HIGHLY CONFIDENTIAL Page 125</p> <p>1 hypothetical question, which misstates testimony of 2 witnesses, who unlike this witness actually know what 3 was happening, and you are just inviting him to give you 4 speculative sound bites. 5 A. Difficult to tell. 6 MR. BLACKMAN : You may answer the question. 7 MR. WERBNER: I will ask it be reread. 8 (Question and Answer Read back.) 9 A. It is, I just don't know. 10 Q. Why on earth would your bank, having 11 suspicions about a customer being involved in terror 12 financing, not conduct a thorough review? 13 MR. BLACKMAN: Objection to form, 14 argumentative. 15 A. It would be a decision for the customer 16 holding divisions, but it really is difficult to judge, 17 given what you are showing me, because I was not here at 18 the time. 19 Q. Forget what I was showing you. I am 20 asking you, when you became the leader of the group that 21 was involved with preventing terror financing -- 22 MR. BLACKMAN: Objection to form. 23 Q. -- including the time that you were the 24 head of the Action Group -- 25 MR. BLACKMAN: Objection to form.</p>	<p>HIGHLY CONFIDENTIAL Page 127</p> <p>1 any detail. 2 Q. Regardless of the details, during the 3 lunch break, did you discuss the lawsuit? 4 A. Yes. 5 MR. BLACKMAN: I will be happy to give an 6 affidavit, if necessary, about exactly what I told 7 Mr. Foster over lunch, and I think you would like to 8 read it. 9 MR. WERBNER: All right, I would like to see 10 that. 11 Mr. Foster, what reason would the bank have if 12 it had a suspicion of a customer engaging in terror 13 financing to not thoroughly review the activities of 14 that customer in its NatWest accounts? 15 MR. BLACKMAN: Objection to form, to the 16 extent that you misstate prior testimony on the subject. 17 A. Sorry, am I meant to answer? Apologies, I 18 didn't realize. 19 MR. BLACKMAN: My objections are just designed 20 to make -- if we don't object to things then these 21 questions are allowed in, potentially. I have to object 22 to them, because they are objectionable, but that 23 doesn't in any way preclude you from answering. 24 A. That is all right. You were objecting on 25 conjecture, which is difficult for me to talk about.</p>
<p>HIGHLY CONFIDENTIAL Page 126</p> <p>1 MR. WERBNER: I am going to have to start 2 over, given the interruptions. 3 MR. BLACKMAN: I was not interrupting. 4 I thought you were ending your question, Mark. Please 5 conclude your question. I was not interrupting, I was 6 trying to make an objection. I am allowed to do that, 7 despite your views to the contrary. 8 MR. WERBNER: Did you discuss with Mr. 9 Blackman anything concerning the lawsuit during the 10 lunch break? 11 A. Anything concerning the lawsuit? No. 12 Q. Are you sure about that? 13 A. It is funny because I was out of the men's 14 room -- 15 Q. I am not asking what you did in the men's 16 room? 17 A. Mr. Blackman was hardly in the room over 18 lunch. 19 Q. I am not asking about the men's room. I 20 am not asking what you ate for lunch during the lunch 21 break. Did you discuss with Mr. Freedman this lawsuit? 22 MR. BLACKMAN: Mr. Blackman. 23 MR. WERBNER: During the lunch break, did you 24 discuss with Mr. Blackman anything about this lawsuit? 25 A. We talked about the morning, but not in</p>	<p>HIGHLY CONFIDENTIAL Page 128</p> <p>1 MR. BLACKMAN: I was objecting in part on 2 conjecture, but please answer. 3 A. So if we had a suspicion of any form of 4 unusual activity, it was our obligation under the law to 5 send a report in to the authorities, who would do their 6 own detailed investigation, based on what we had sent 7 them, and they might come back to us with a Production 8 Order which is a legal document requiring us to disclose 9 information to them. If we felt -- this was not 10 necessarily a policy, but if we felt that we wanted to 11 take a further look at a customer's accounts to be sure 12 that the activity was appropriate, then we were quite -- 13 we would do that. 14 Q. Was that something that you know was done 15 from time to time? 16 A. That is done on a number of occasions 17 because that is what we do in order to make sure we are 18 not supporting criminal activity. 19 Q. So, correct me if I am wrong, you are not 20 saying that NatWest only thoroughly reviewed activities 21 in a customer's account suspected of terror financing 22 when told to do so by the criminal authorities, are you? 23 A. I am saying that we wouldn't do it just on 24 the basis of a request from the criminal authorities, 25 which is for information, not to do a review, but we may</p>

<p>HIGHLY CONFIDENTIAL Page 129</p> <p>1 do it ourselves depending on the nature of what we saw 2 as suspicious. 3 Q. I think I understand. Correct me if I am 4 wrong, you are saying that NatWest would conduct 5 a thorough review of a customer's account and the 6 activities in it if it suspected terror financing and 7 was requested to do it by the authorities, but that the 8 bank might also conduct that thorough review for that 9 purpose regardless of a request from the authorities. 10 Correct? 11 A. I think I understood that question but -- 12 yes. 13 Q. Let's read it back and get an answer. It 14 is important. 15 A. Fine. 16 Q. And I don't want to have any confusion. 17 Go ahead. Please read it. 18 (Read back) 19 A. Yes, that is correct, it was in many cases 20 a suspicion, nothing more. 21 Q. And from Mr. Hoseason's letter, 22 Exhibit 5 -- 23 A. Yes. 24 Q. -- it appears that in the case of Interpal 25 that thorough review of the activities of the account</p>	<p>HIGHLY CONFIDENTIAL Page 131</p> <p>1 MR. BLACKMAN: Same objections. You may 2 answer. 3 A. We didn't close the account when Interpal 4 were put on to the OFAC list. 5 Q. In fact, Interpal was allowed to continue 6 to use its account and conduct financial transactions 7 for more than a year, right? 8 MR. BLACKMAN: Objection. You may answer. 9 A. Yes, well, we took account of that 10 designation, we took account of the earlier Charities 11 Commission investigation, we took account of the second 12 Charities Commission investigation, we did a thorough 13 review of the account, both in 2001 and indeed after 14 that, and I don't think we did anything -- I think we 15 reacted very cautiously in order to make sure we were 16 not holding an account for someone who funded terrorism. 17 Q. I am not asking you for excuses. Would 18 you read the question back. 19 A. I was not giving excuses. 20 Q. What were you doing? 21 A. I was describing what we did. 22 MR. WERNER : But I asked you something else. 23 Would you read the question back? 24 (Read back) 25 A. After the designation, yes.</p>
<p>HIGHLY CONFIDENTIAL Page 130</p> <p>1 were made, right? 2 MR. BLACKMAN: Objection, the question was 3 asked and answered. I assert the same objections as 4 before to this questioning about the document, but you 5 may answer. 6 A. Yes, it is difficult to tell because I was 7 not there, but the letter says that that is what is 8 happening. 9 Q. Even after the United States Government 10 declared that your customer, Interpal, was engaged in 11 financing a terrorist organization, NatWest continued to 12 provide financial services for a year or more, isn't 13 that true? 14 MR. BLACKMAN: Object, you may answer. 15 A. So, we maintained the account of Interpal 16 in the UK, the bank, not me, but became aware of that, 17 that Interpal had been added to the OFAC list, but that 18 does not mean we have to close the account. 19 Q. You didn't -- 20 A. We took account of the OFAC list, as I 21 have said. 22 Q. And then, despite that US Government 23 declaration about Interpal, NatWest continued to provide 24 financial services to Interpal for at least a year, 25 correct?</p>	<p>HIGHLY CONFIDENTIAL Page 132</p> <p>1 Q. Did your team monitor in any way the 2 Interpal account after it knew the United States 3 Government had declared Interpal to be providing terror 4 financing to Hamas? 5 A. So my team did not do that because it was 6 not the job of my team. 7 Q. Did you participate in any way with 8 anybody at the bank in doing that? 9 A. I remember contact with Mr. Cole, who 10 undertook reviews of the account. 11 Q. Weren't you involved with another customer 12 in making decisions about whether to close the account 13 because of concerns about terror financing? 14 A. I don't know. I don't know what you mean. 15 Q. Well, from 02 to 06, was it or was it not 16 part of your duties to participate in decisions about 17 whether NatWest allowed customer accounts to be kept 18 open in the face of the United States Government 19 declarations about the customer being involved in terror 20 financing? 21 MR. BLACKMAN: Object to the form of the 22 question. You can answer. 23 A. My team was asked for advice and gave 24 advice on to divisions when they were doing their work. 25 Q. Was that the case for Interpal?</p>

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1 A. Yes, as I say, it is difficult to answer
 2 that but, in principle, if we were sufficiently
 3 concerned about the activities of a customer, we would
 4 close the account, yes.
 5 Q. All right. Now, would you agree that
 6 throughout your employment with NatWest and the Royal
 7 Bank of Scotland, the bank has enormous resources to
 8 prevent terror financing in the accounts of its
 9 customers?
 10 MR. BLACKMAN: Objection to form of the
 11 question. It is vague.
 12 A. Yes, it is difficult to answer that
 13 because we have enormous resources but that doesn't mean
 14 they would all be directed at preventing terror
 15 financing, for example.
 16 Q. No, I understand that all of the enormous
 17 resources of the bank are not and cannot be directed
 18 merely to that, but I want to be clear that this is
 19 a very large bank, that is experienced, with a lot of
 20 resources to carry out its business. Correct?
 21 MR. BLACKMAN: Objection to form, irrelevant
 22 and ambiguous question. You may answer it.
 23 A. Yes, it is one of the largest retail
 24 corporate banks in the country, yes.
 25 Q. And in the world?

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1 A. Fairly large, yes.
 2 MR. WERBNER: Let's take a break at this point
 3 and the tape will need to be changed as well.
 4 THE VIDEOGRAPHER: This is the end of tape
 5 two, volume one, in the video deposition of Mr. Stephen
 6 Foster. Going off the record at 2:42 pm, as indicated
 7 on the video screen.
 8 (A short break)
 9 THE VIDEOGRAPHER: This is tape three, volume
 10 one, in the video deposition of Stephen Foster. We are
 11 back on at 2.57 pm, as indicated on the video screen.
 12 MR. WERBNER: Mr. Foster, let me hand you what
 13 has been marked deposition Exhibit Foster 7.
 14 (Exhibit Foster 7 marked for identification)
 15 This is an e-mail chain in which you were
 16 involved concerning Interpal, correct?
 17 A. Correct.
 18 Q. Do you recognize it?
 19 A. I don't remember it specifically happening
 20 but --
 21 Q. Generally, you know of no reason to
 22 suggest this is not authentic, do you?
 23 A. No.
 24 Q. Let's look first at the bottom e-mail, the
 25 one that is first in the chain. It is one you wrote on

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1 9 October 2003, to Michael Hoseason, Derek Brand and Ben
 2 Norrie. Do you see that one?
 3 A. I do, yes.
 4 Q. Among other things, you say there is that
 5 the Bank of England has reminded the bank that you work
 6 for that payments to Hamas are prohibited under a Bank
 7 of England Notice of late September. Correct?
 8 A. Yes.
 9 Q. And then Derek Brand, on the same day,
 10 a few minutes later, makes a response to you under the
 11 subject "Interpal". Correct?
 12 A. Correct.
 13 Q. And then you respond, thanking him, and
 14 then Tony O'Hear writes to you around 5:30
 15 on October 13, correct?
 16 A. Correct.
 17 Q. You write back a little after 6:00 pm,
 18 October 13, 2003, thanking him. What did you say after
 19 that?
 20 A. I say here:
 21 "I think the main concern now is to ensure
 22 that no future payment is made to Hamas. With the
 23 restrictions lifted, is there any formal (or even
 24 informal) monitoring of the traffic?"
 25 Q. When you said that, in reference to

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1 Interpal, the main concern was to ensure that no future
 2 payment is made to Hamas, did you mean to include
 3 payments made directly or indirectly to Hamas?
 4 A. What I meant was that this is in relation
 5 to the letter we received or Mr. Gossage received from
 6 the Bank of England, indicating to him that there was no
 7 reason why we should not continue our relationship with
 8 Interpal, partly because probably by this time they had
 9 been investigated again by the Charities Commission, who
 10 found no evidence, but I recall the letter saying
 11 something like: "Please remember that any payment to
 12 Hamas is prohibited under our sanctions. Therefore you
 13 need to make sure that that does not happen".
 14 Q. My question, though, is a little
 15 different, and here it is. When you wrote
 16 on October 13, 2003 about Interpal, and said to Tony
 17 O'Hear that the main concern is to ensure that no future
 18 payment is made to Hamas, did you intend that to mean
 19 ensuring that no future payment was made directly or
 20 indirectly to Hamas?
 21 A. Well, what I meant is that if according to
 22 the Bank of England requirements Hamas was a prohibited
 23 organization, and therefore we had to ensure that we did
 24 not allow our customers to make funds available to
 25 Hamas.

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1 Q. So one of the --
 2 A. I am thinking of any specific areas. We
 3 certainly developed over that time a project for the
 4 filtering of payments, because that was becoming more
 5 important. Industry practice was moving towards that in
 6 the UK.
 7 Q. There are some documents having to do with
 8 that, which we will look at.
 9 A. Okay.
 10 Q. Those documents date that around 2004.
 11 Does that comport with your recollection?
 12 A. From my recollection, 2004/05, yes.
 13 Q. Anything besides filtering of payments?
 14 A. In 2005, maybe late 2005, early 2006, we
 15 also issued a policy in respect of OFAC, which hitherto
 16 we had not specifically had because it was not covering
 17 the UK jurisdiction.
 18 Q. And what was the policy you issued in
 19 respect of OFAC?
 20 A. The policy required -- enhanced our
 21 capability, sorry, enhanced the requirements on
 22 businesses in respect to terrorist financing to report
 23 any accounts, specifically any accounts they had that
 24 were on the OFAC list to the authorities.
 25 Q. Do you know whether that included the

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1 accounts in the name of Interpal and its aliases?
 2 A. It would have done, but of course they had
 3 been reported to the authorities already, and as we have
 4 discussed we had a number of contacts with the
 5 authorities prior to that, but the policy changed in
 6 such a way that compliance with OFAC became more --
 7 a tougher requirement for the UK business.
 8 Q. Was that as a result of changes in UK law?
 9 A. No, it wasn't. It was more a result of
 10 increasing business in the United States, the increasing
 11 importance of the US to our business, and greater
 12 recognition, if we needed it, of the importance of
 13 preventing terrorism.
 14 Q. How did the increase in the bank's
 15 business in the United States impact -- withdrawn. I am
 16 asking this badly.
 17 I am following up on what you said, which was
 18 that increasing business in the United States caused the
 19 bank to implement tougher policies with respect to OFAC.
 20 Is that correct?
 21 A. Outside the US, yes.
 22 Q. Inside and outside the US?
 23 A. Sorry, there was already compliance,
 24 complete compliance in the US businesses with OFAC,
 25 because that was a requirement.

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1 Q. Of course.
 2 A. What I am saying is that outside the US we
 3 decided to follow the same practice.
 4 Q. That being that you would not do business
 5 with OFAC listed entities?
 6 A. No, that being that if we identified an
 7 OFAC listed entity we would report it to or send an SAR
 8 to the authorities that we had that account.
 9 Q. I see. So what you said then was that you
 10 had already done that with Interpal and its aliases?
 11 A. We did a couple of years before, but that
 12 doesn't mean we didn't have to do it again if there was
 13 suspicious activity, but in terms of reporting to the
 14 authorities accounts held in the name of those on the
 15 OFAC list, we would do it.
 16 Q. Did the bank have accounts held in the
 17 name of OFAC listed entities other than Interpal and its
 18 aliases?
 19 A. I don't recall very many at all. It was
 20 not -- the business was predominantly UK based. I think
 21 we had one other, I believe.
 22 Q. You said earlier that, please correct me
 23 if I say this incorrectly, but in the time period when
 24 the Charity Commission was looking at Interpal, and its
 25 accounts --

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1 MR. BLACKMAN: We are in the late August,
 2 September 2003?
 3 MR. SCHWARTZ: That is correct, late 2003 now.
 4 At around that time, it was your understanding that
 5 OFAC, that a listing by OFAC was not applicable to UK
 6 transactions. Is that correct?
 7 A. The OFAC list did not apply in the UK.
 8 Therefore we were allowed to hold an account for
 9 Interpal, technically. One needed to be cautious of
 10 dollar transactions, but there was no reason why we
 11 could not hold the account in the UK under UK
 12 legislation. It was not on the Bank of England list at
 13 the time.
 14 Q. And what is the basis of your belief that
 15 that is correct?
 16 A. That what is correct?
 17 Q. That OFAC did not apply in the UK?
 18 A. Because OFAC is issued by the United
 19 States Treasury, which does not apply in the UK. It is
 20 not a legislative framework that applies in the UK.
 21 Q. I understand that. You said you are not
 22 a lawyer?
 23 A. Correct.
 24 Q. So I am trying to find out how do you know
 25 that that is true?

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1 A. If it was a match to the Bank of England
2 list, we had specific things we had to do, which was to
3 freeze the account and report it to the Bank of England
4 Sanctions Unit, and not allow any transactions through
5 that account.
6 Q. This was a search of prior transactions,
7 is that correct?
8 A. No, this is a search of customer accounts,
9 account names. This was not transactions. This was
10 a search of a database that holds the name in which the
11 account is held.
12 Q. I see.
13 A. So if I had an account, it was called
14 "Stephen Foster", this process would search that name
15 against this list.
16 Q. I believe you said earlier that the
17 creation of these lists, this search project was done
18 under your authority. Is that correct?
19 A. That is correct.
20 Q. It did not pre-exist your arrival?
21 A. It did pre-exist my arrival, yes,
22 absolutely. These periodic searches happened before
23 I joined. They were happening already, had been
24 happening for a number of years.
25 Q. And these search lists were always

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1 available to the various divisions within the bank,
2 weren't they?
3 A. Yes.
4 Q. So then why would a division have an
5 account open in the name of someone that was on one of
6 these lists?
7 A. Because a name may have been added to
8 a list whilst we had held an account, and then a search
9 would be done, they would identify that we had that
10 account, and they would freeze it. There were searches
11 as well when the account was opened, so I think it would
12 be very unlikely we would actually hold an account in
13 the first place, but new names were added all the time.
14 Q. I see. So this says the Group has made
15 a decision on or around June 2003 to add the OFAC
16 Terrorism categories to this list. So if at this time
17 you received a match to a name on the OFAC lists, what
18 was the bank's policy in regard to that match?
19 A. At that point we had no specific policy in
20 relation to OFAC, because it was outside the
21 jurisdiction of the UK, so if I recall correctly we
22 would be just recording that information.
23 Q. For what purpose?
24 A. For the purpose -- I honestly cannot
25 remember.

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1 Q. Did this search -- I probably can tell by
2 looking at the document, but it also went out to
3 Citizens?
4 A. Yes, but Citizens were already searching
5 against the entire OFAC list anyway.
6 Q. Because they were under US rules?
7 A. Because they were under US rules, so in
8 a way it is a bit misleading just that they are on
9 there. It doesn't really matter.
10 Q. You can put that away. Thank you very
11 much. I want to return briefly, if I may, to the
12 exhibit that has been marked Foster 7, that is NatWest
13 013939. It runs to 13941. Thank you for your patience.
14 I don't think I will be much longer.
15 A. That is okay.
16 Q. Do you have that document before you?
17 A. Yes, I do.
18 Q. Do you want to review it again?
19 A. I have just reviewed it again. I think I
20 am comfortable to take any questions from you.
21 Q. This again appears to be a chain of
22 e-mails. Do you agree with that description?
23 A. I do.
24 Q. It includes -- let's start with the first
25 one, which is dated October 9, written from you to

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1 Messrs Hoseason, Brand and Norrie. Do you see that?
2 A. Yes.
3 Q. Do you remember writing that e-mail, sir?
4 A. I don't remember specifically sitting at
5 my desk, but I am sure I wrote it.
6 Q. You have no doubt that you wrote it?
7 A. I have no reason to question that I wrote
8 it. I am not trying to be difficult I just cannot
9 remember.
10 Q. And would you have written that e-mail in
11 the ordinary course of your business?
12 A. Yes.
13 Q. Do you note that it refers to at the very
14 last sentence: "However". Why don't we read the whole
15 e-mail, it is very short:
16 "For your information, the Bank of England have
17 written to us [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 so we need to be freezing funds, reporting, et cetera."
23 We can stop there. This Bank of England
24 Notice of late September, as I read this, it appears to
25 be referring to late September 2003. Do you agree with

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1 must be carefully made, as closing the account without an
 2 identifiable reason will most probably result in adverse
 3 media attention. Also, if a terrorism related payment is
 4 identified as being made, we again would suffer untoward
 5 regulatory media attention."

6 Do you think that is what you were addressing
 7 when you were speaking of "reputational issues"?

8 A. Yes, because there are many reasons why we
 9 might close an account for a customer. If a customer
 10 considers that that is unjustified, it is common
 11 practice for them to go to the newspapers and try and
 12 make a story out of it. Any bank, not just us. And
 13 that is not a nice thing to see in the papers because
 14 generally we cannot respond, so the case against us is
 15 shown in a bad light. Terrorism, we don't want to be
 16 related to terrorism at all.

17 Q. So you are perhaps kind of between a rock
 18 and a hard place when you try to close an account like
 19 this? That is what you were saying?

20 A. No, because if we had been concerned that
 21 it was linked to terrorism we wouldn't have had any
 22 hesitation in closing it. The media attention for
 23 closing an account related to terrorism wouldn't have
 24 worried me.

25 Q. So at least at this time then you were not

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1 really concerned that the accounts were linked to
 2 terrorism?

3 A. We had no evidence to suggest that,
 4 because this is after two Charity Commission
 5 investigations, a number of contacts with, as we have
 6 seen before, Special Branch, which I was not involved
 7 in, so our comfort at the time was that we could
 8 continue to manage the account.

9 Q. You did have a listing by OFAC?

10 A. Yes, indeed.

11 Q. So it was not no evidence, but you did not
 12 consider it to be sufficient?

13 A. That was a listing in the United States.
 14 It doesn't necessarily mean it is a terrorist
 15 organization, that it is actually financing terrorism.

16 Q. What do you understand it to mean?

17 A. That the US authorities suspect it might
 18 be.

19 Q. If you turn over to the first page, the
 20 very last full paragraph, not the single sentence, and
 21 this now -- let me ask you first, please, this appears
 22 to be an e-mail from Guy Cole to you and to Ben Norrie?

23 A. Yes.

24 Q. Cc'd to Messrs Rodger, Davies and Richard
 25 Jones, is that correct?

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1 A. Yes.

2 Q. Who was Mr. Davies?

3 A. Rob Davies worked in my team for a period
 4 looking after the administration of our sanctions lists.

5 Q. And Mr. Jones?

6 A. Mr. Jones was one of the members of the
 7 MLPU we just discussed, the Money Laundering Prevention
 8 Unit in Corporate Banking Division.

9 Q. And Mr. Rodger was the head of that unit,
 10 correct?

11 A. Yes, at that time, yes.

12 Q. You say in the second paragraph -- excuse
 13 me. Okay, now, this e-mail is, as I have just
 14 described -- do you remember receiving it?

15 A. I don't remember specifically receiving
 16 it.

17 Q. Do you have any doubt that you received
 18 it, May 20, 2004?

19 A. I have no reason to doubt that I received
 20 it.

21 Q. Would you have received this in the
 22 ordinary course of your business?

23 A. Yes, I would.

24 Q. If you look at the next to last paragraph,
 25 or the last full paragraph, Mr. Cole writes:

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1 "I am content to leave the sterling and Euro
 2 accounts operating with the semi-annual review taking place
 3 for foreign payments made from the accounts. Consideration
 4 will need to be given regarding the operation of the US
 5 dollar account, as funds from this account will get frozen
 6 if they are transferred via a US domiciled/owned
 7 counterparty."

8 Do you understand what Mr. Cole meant when he
 9 said: "Consideration will need to be given regarding the
 10 operation of the US dollar account."

11 A. I do, yes.

12 Q. Could you explain, please?

13 A. Given that Interpal was listed on OFAC, if
 14 we tried to make a payment on behalf of our customer in
 15 US dollars, it would need to go through the United
 16 States, through a counterparty correspondent bank in the
 17 United States, and would likely be frozen by that US
 18 based institution, meeting their obligations under OFAC.

19 Q. So is Mr. Cole suggesting here, to your
 20 understanding, that you should consider advising the
 21 customer to stop making dollar transactions?

22 MR. BLACKMAN: Objection.

23 A. No, we wouldn't do that.

24 Q. So what is he suggesting?

25 A. So he is suggesting that the funds might

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1 be frozen, the customer's funds might be frozen in the
 2 United States.
 3 Q. But he is not suggesting a course of
 4 action as a result of that?
 5 A. No.
 6 MR. SCHWARTZ: We need to change the tape.
 7 THE VIDEOGRAPHER: This is the end of tape
 8 three, volume one. Going off the record at 5:14 pm, as
 9 indicated on the video screen.
 10 (A short break).
 11 THE VIDEOGRAPHER: This is beginning of tape
 12 four, volume one, in the deposition of Mr. Stephen
 13 Foster. We are on the record at 5:27 pm.
 14 MR. SCHWARTZ: Just a little follow-up, sir,
 15 on 12, if you would. I asked you if Mr. Cole was
 16 suggesting that the bank should consider advising the
 17 customer to stop making dollar transactions, and you
 18 responded "No, we wouldn't do that". Why wouldn't the
 19 bank do that?
 20 A. It was not -- that would be suggesting
 21 that the customer would avoid some form of legislative
 22 requirement in the States, for example, and that is not
 23 what we would advise our customer ever to do. So we
 24 would make them aware of the risk of funds being frozen
 25 in the United States but we would not say to a customer

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1 "Do not do that because you will break the law", if you
 2 see what I mean, to avoid the law.
 3 Q. I understand. Are you aware that the bank
 4 ultimately did suggest that Interpal close its dollar
 5 account?
 6 A. Indeed, yes, so we closed it, yes. It was
 7 the sensible thing to do.
 8 Q. That is different than what I was just
 9 asking you about?
 10 A. No. Well, it is different in as much as
 11 we wouldn't have told the customer to avoid -- to use
 12 a different currency to do its transaction. That is
 13 a separate thing to then say we closed the dollar
 14 account, I think.
 15 Q. What is the difference?
 16 A. Because -- well, I wouldn't say that we
 17 would close the dollar account in order -- because we
 18 had said to them: "You need to use a different currency,
 19 otherwise it will get frozen". We would not do that.
 20 We would have done it. I don't know why we did it
 21 ultimately.
 22 Q. If you don't know the answer then just say
 23 so.
 24 A. I am sorry, I am trying to make the point
 25 that we would not deliberately tell a customer to use

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1 a different currency to avoid US funds being frozen or
 2 something. That is the point I am trying to make.
 3 Q. Again, I am not trying to be
 4 argumentative, but isn't the effect of closing the
 5 dollar account exactly the same?
 6 A. I guess you could, yes, but I am trying to
 7 make a different distinction, I guess, because I don't
 8 know why we closed the dollar account, but my point in
 9 answer to your original question was -- and as it says
 10 on this particular e-mail is we would not tell
 11 a customer to do a transaction in a different currency
 12 from dollars if they wanted to do it in dollars. We
 13 would not tell them to change the currency in order that
 14 they would avoid US sanctions.
 15 Q. Why wouldn't you tell them that?
 16 A. Because we would be encouraging them to
 17 avoid US sanctions, which we would not do.
 18 Q. Why not?
 19 A. Because that is not the right thing to do,
 20 to encourage customers to breach laws in other
 21 countries. We would not do that.
 22 Q. Again, I am not trying to be
 23 argumentative --
 24 A. I am trying to help.
 25 Q. What is the difference. The effect of

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1 closing the account was so that accounts would not be
 2 frozen.
 3 MR. BLACKMAN: Objection. I don't want to
 4 fuss with you but I think you are repeating your
 5 question, which is fair, he has repeated his answer,
 6 which is fair. Try one more time.
 7 A. It has the same effect, but I suppose the
 8 distinction I am trying to make is that we would not
 9 have said to them: "Close your dollar account", I don't
 10 know, "to enable you to avoid US sanctions".
 11 Q. Because that wouldn't be the right thing
 12 to do?
 13 A. We would not encourage them to avoid US
 14 sanctions, which would have happened if they had
 15 processed, if they had tried to do a dollar transaction.
 16 Q. Or use their dollar account?
 17 A. Yes, use the dollar account.
 18 Q. If you look, still on 12, there, the very
 19 last e-mail at the top, this appears to be an e-mail
 20 from Mr. Davies to you and to Mr. Norrie. Is that
 21 a correct description?
 22 A. Yes, that is right.
 23 Q. Do you have any doubt that you received
 24 this e-mail on May 12, 2004?
 25 A. I have no reason to doubt it.

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1 Q. Would you have received this e-mail in the
 2 ordinary course of your business, sir?
 3 A. I expect so, yes.
 4 Q. Mr. Davies says -- let's read it:
 5 "Another issue for us to consider with Interpal
 6 could be payment filtering. It may look a little
 7 inconsistent going forward if we have to block US dollar
 8 payments going to Interpal, (i.e Interpal is OFAC listed)
 9 but are happy to maintain a relationship with them as
 10 a customer."
 11 Do you understand what Mr. Davies was talking
 12 about there?
 13 A. I am not -- I wouldn't know exactly what
 14 he was indicating.
 15 Q. But what do you understand that to be
 16 saying? First of all, Mr. Davies was your employee?
 17 A. He was on my team looking after the
 18 sanctions lists.
 19 Q. You were his superior?
 20 A. Indeed.
 21 Q. So what did you understand him to mean,
 22 please?
 23 A. It is difficult to -- I guess it is the
 24 relationship with our customer. We are able to hold an
 25 account for this charity in the UK and we wanted to --

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1 we had made a decision that we wanted to continue
 2 maintaining that account, and yet, if they had ever
 3 wanted to make a dollar payment it would have been
 4 blocked, for reasons we have discussed, so I guess they
 5 might be a little bit annoyed that we were maintaining
 6 their account but would not let them do dollar
 7 transactions.
 8 Q. So what is Mr. Davies suggesting here?
 9 A. I am not sure. I am truly not sure.
 10 Q. I understand.
 11 A. Because payment filtering is the
 12 monitoring of payments in and out of the account.
 13 Q. Having nothing to do with currency?
 14 A. Indeed.
 15 Q. Would the bank ever have advised
 16 a customer in this situation to avoid doing dollar
 17 transactions?
 18 A. As I say, we would not have done that.
 19 Q. You would not have done that?
 20 A. No.
 21 Q. You mentioned also that at a later period,
 22 when you decided to get a little more restrictive about
 23 OFAC sanctions, you found that you had one other
 24 customer who was OFAC listed. Is that correct?
 25 A. That is correct.

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1 Q. Can you remember the name of that
 2 customer?
 3 A. It was a small charity in Northern Ireland
 4 which had alleged links to the Irish Republic Army.
 5 Q. What did the bank -- did the bank take any
 6 action once they discovered that that account was OFAC
 7 listed?
 8 A. We closed the account, and by this time we
 9 were developing our policy on OFAC, to the extent that
 10 even now we apply OFAC requirements globally in our
 11 bank, but we identified it because we introduced
 12 a policy around OFAC into the UK, identified any other
 13 accounts that were on the OFAC list and exited them.
 14 MR. BLACKMAN: Can you put a timeframe on
 15 that?
 16 A. The policy on OFAC came in early 2006,
 17 from memory.
 18 Q. By then had you closed Interpal's
 19 accounts, do you know?
 20 A. I don't recall, funnily enough. I don't
 21 recall when we closed the Interpal account, to be
 22 honest.
 23 Q. But this policy would have also mandated
 24 closing Interpal's accounts at that time, wouldn't it
 25 have?

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1 A. I think, yes, it would have done, yes, but
 2 there may have been other reasons, if we didn't close
 3 it, then why we maintained it.
 4 Q. But the reason you closed the Irish
 5 account was because it was listed on OFAC?
 6 A. Yes.
 7 Q. I believe earlier we looked at an exhibit
 8 which was the press release from OFAC, which I don't
 9 seem to have. Is that correct? Do you have all the
 10 exhibits?
 11 A. I do.
 12 MR. BLACKMAN: That was a Hoseason exhibit.
 13 MR. SCHWARTZ: Why don't we introduce this as
 14 Foster Exhibit 13.
 15 (Exhibit Foster 13 marked for identification.)
 16 Foster Exhibit 13 is not Bates numbered but it
 17 is a press release from the Office of Public Affairs,
 18 United States Department of Treasury, dated August 22,
 19 2003. Please take a moment and read that. Have you had
 20 a chance to look at this, Mr. Foster?
 21 A. I have, yes.
 22 Q. I know that Mr. Werbner may have asked you
 23 this but have you ever seen this before?
 24 A. No, not before today, no.
 25 Q. So it is safe to assume that you also

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1 Interpal in the UK."

2 There you are saying that the US and UK have

3 different foreign policies over Israel and Palestine,

4 is that correct.

5 A. That is what I am saying there, yes.

6 Q. What did you mean by that, sir?

7 A. I would guess it was the comment I made

8 a moment ago, which is that there will be different

9 views by different governments of issues around the

10 world.

11 Q. And what did you understand the US view to

12 be?

13 A. I would not have specifically gone into

14 any particular political detail there, but for me the

15 fact that it was on OFAC and not on the Bank of England

16 list showed a difference in attitude towards that

17 charity, because the UK Government had determined that

18 it had no links to terrorism.

19 Q. It doesn't really speak to foreign policy

20 though, does it?

21 A. No, it doesn't. To some extent it was

22 a throw away comment but, as I say, it typified for me

23 the difficulties we sometimes face with Government

24 policy in different countries.

25 Q. You understand, you know who Hamas is,

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1 correct?

2 A. I do.

3 Q. What do you understand Hamas to be?

4 MR. BLACKMAN: Can I object here. I think

5 there has been a lot of questioning on that subject. I

6 object at this late hour to going down that road again,

7 but you can answer.

8 A. Sorry, it is an organization based in

9 Palestine with alleged links to terrorism.

10 Q. What do you mean by "alleged links to

11 terrorism"?

12 A. I don't know specifically enough about

13 Hamas to say what they do, so I am just using some of

14 the terminology that has been used before in newspaper

15 articles and things like that, and it is designated on

16 the Bank of England list and therefore we would block

17 any account with them.

18 Q. So it is your understanding, if the Bank

19 of England has designated them, that the Bank of England

20 considers them to be a terrorist organization?

21 A. The Bank of England administers the UK

22 Government Treasury sanctions list, which is based on

23 a number of international lists, including the United

24 Nations and the European Union, so the decision by the

25 UK Government would have been to put them on the list.

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1 therefore we have to block it.

2 Q. Have you ever read in the news about any

3 of the acts of terrorism that Hamas has claimed credit

4 for?

5 A. I recall reading in the news about events

6 linked to Hamas, yes.

7 Q. If you may offer me a moment's latitude, I

8 have a client, the estate of Judy Greenbaum. She was

9 31 years old, three months pregnant, when she was

10 murdered in an act that Hamas claimed credit for, and in

11 that same bombing six babies were killed. So when we

12 speak of Hamas and terrorism, you understand that that

13 is what we are talking about?

14 A. I do very much understand that.

15 Q. Is it your understanding that there is any

16 law in England that obligated you to continue to operate

17 the Interpal accounts after they were designated by the

18 United States in 2003?

19 A. There is no law obligating us to maintain

20 an account for anybody.

21 Q. So then, at the time the accounts were

22 designated by the United States in 2003, it is your

23 understanding that the bank had discretion to close the

24 account if it wished to, isn't that correct?

25 A. Yes, we have a discretion to close

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1 accounts at any time, for almost any reason, not

2 necessarily linked to terrorism.

3 Q. But the bank chose not to close those

4 accounts?

5 A. On this occasion, yes, after a thorough

6 review, internally and externally.

7 Q. A few more questions for my colleague and

8 then I think I will be finished. I had asked you about

9 your comment in Foster 9 that the US and the UK have

10 different foreign policies over Israel and Palestine.

11 You called that a "throw away comment", and their

12 handling of Interpal was what you were really talking

13 about. Is that correct?

14 A. Not necessarily.

15 Q. If you can just please illuminate a little

16 more what your understanding is of the differences in

17 the US and UK approaches?

18 MR. BLACKMAN: I am going to object to the

19 question. It is not a foreign policy seminar, but he

20 can answer.

21 MR. SCHWARTZ: That is true, but he made this

22 statement. I would like his understanding.

23 A. I will try to explain, but I am not

24 a politician, not hugely focused in politics, US or UK.

25 I utterly deplore any act of terrorism, including the

<p>HIGHLY CONFIDENTIAL Page 233</p> <p>1 one you described to me, no matter who committed it. 2 Q. I appreciate that. 3 A. I really do, but for me this is probably 4 showing the difficulties we face as an institution, 5 trying to provide banking services to our customers, 6 when a customer is treated differently for different 7 reasons in different countries, driven to some extent by 8 foreign policy differences. It doesn't mean we would -- 9 Q. I understand that, but what do you 10 remember the differences to be? 11 A. On this particular occasion the US 12 authorities had decided to designate Interpal on OFAC as 13 an entity to be blacklisted, but the judgment in the UK 14 was that that was not the case, because there was no 15 proof of their links, alleged links with terrorism. 16 Q. But outside of the Interpal designation 17 issue, is there any other differences you understand? 18 A. Not that I can think of. As I say, it is 19 not necessarily a deep and meaningful comment. 20 Q. You mentioned that the bank did a lot of 21 work to assess the risk posed to the bank by keeping the 22 account open, subject to subsequent -- to the OFAC 23 designation in 2003. Do you remember that? 24 A. I remember there was a view within 25 Corporate Market Division in relation to that, and</p>	<p>HIGHLY CONFIDENTIAL Page 235</p> <p>1 "searchable", what do you mean? 2 Q. I am just asking if you understand that 3 case information on the database can be searched? 4 A. Yes. 5 Q. So would you have expected that if 6 Mr. Cole and Rodger had access to the Goalkeeper 7 database that they would have done an exhaustive search 8 for Interpal matters? 9 A. I would have expected them to have sought 10 all sorts of evidence in their review of the account 11 relationship, and that may well have involved looking on 12 Goalkeeper, but I don't know. 13 Q. Certainly they should have looked at 14 history of payments received and payments made? 15 A. Yes. I don't know whether they did. They 16 should have done. My gut feeling is with Guy that he 17 would have done. 18 Q. One last thing, if you could look back at 19 Foster Exhibit 4. Is this a new version of 4? We had 20 a shortened version. 21 MR. BLACKMAN: This is the replaced version. 22 The other one should have been tossed so we don't have 23 it confused. 24 A. I have the full version. 25 Q. What I want you to look at, please, is the</p>
<p>HIGHLY CONFIDENTIAL Page 234</p> <p>1 including the external review by the Charity Commission 2 the second time they looked at the Interpal charity 3 account, yes. 4 Q. Was your understanding that GI&F, that is 5 Mr. Hoseason's unit, also did a review? 6 A. I am not sure whether they were involved 7 in the review at that time. After the designation and 8 during the second Charity Commission account, I don't 9 know whether they were involved in that investigation, 10 which was led primarily by Corporate Markets Division. 11 Q. And that would be Mr. Rodger and 12 Mr. Cole's unit? 13 A. Yes. 14 Q. Do you know whether they -- withdrawn. Do 15 you understand that they had access to the Goalkeeper 16 database? 17 A. I am not sure whether they would have 18 done. 19 MR. BLACKMAN: They being Cole? 20 MR. SCHWARTZ: Cole and Rodger. 21 A. I am not sure whether they would have 22 done. 23 Q. Do you understand the Goalkeeper database 24 to be searchable? 25 A. In what respect, when you say</p>	<p>HIGHLY CONFIDENTIAL Page 236</p> <p>1 letter from Tom Dawlings to Richard Gossage on 13696. 2 MR. BLACKMAN: The record should reflect that 3 there is an actual version produced of this letter on 4 the letterhead of Bank of England. I don't know what 5 the exhibit number is. 6 MR. SCHWARTZ: It was not produced in this 7 deposition, was it? 8 MR. BLACKMAN: It was not. 9 MR. GOELMAN: It was marked yesterday and 10 there was also in the discovery the actual letter from 11 the bank to the Bank of England on September 5. 12 MR. BLACKMAN: Yes, I just pointed it out. 13 MR. GOELMAN: I have that on the screen. If 14 he has never seen it before, we don't need it. 15 MR. SCHWARTZ: All we are going to ask you is 16 this letter from Paul Dawlings refers to a prior letter 17 to Tom Dawlings by Richard Gossage. Have you ever read 18 that letter? 19 A. I don't believe I have. 20 Q. Did you ever speak to Mr. Gossage about 21 the letter? 22 A. No, but my team would have supplied him 23 with the wording for the letter. 24 Q. And who within your team? 25 A. It probably would have been Mr. Norrie,</p>

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1 most probably. It would have been a standard letter to
2 the Bank of England in relation -- asking them if in
3 their view we could continue to operate the account. It
4 would be no different from any other account, any other
5 letter we sent to them in relation to Sanctions
6 Compliance. It wouldn't have been a special letter in
7 relation to Interpal, as far as I recall.
8 MR. SCHWARTZ: Okay.
9 CROSS-EXAMINATION BY MR. BLACKMAN:
10 MR. BLACKMAN: Very few questions for you,
11 Mr. Foster. First of all, could you put before you
12 Exhibit 11 and Exhibit 1.
13 A. Okay, I have them in front of me.
14 Q. You were questioned about Exhibit 1 this
15 morning and about Exhibit 11 this afternoon. Is the
16 substance of the two exhibits the same, with the
17 difference being that they would be different names
18 listed on the two exhibits as sanctions lists were
19 revised?
20 A. Yes, they are aiming to do the same thing,
21 which is to get divisions to search their databases for
22 potential matches to those lists.
23 Q. Next question, I think last question. You
24 talked this morning and again this afternoon about OFAC
25 policies. When I say "OFAC policies", I mean the policy

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1 that you were developing in the bank to deal with how to
2 respond to OFAC sanctions.
3 A. Right, yes.
4 Q. Was there such a policy
5 in August/September 2003, when you had to deal with the
6 response to the OFAC freezing of the Interpal account?
7 MR. SCHWARTZ: Objection to form. What do you
8 mean by "such a policy"?
9 MR. BLACKMAN: Was there an OFAC policy, as
10 I just defined it?
11 MR. SCHWARTZ: A policy for dealing with OFAC
12 listing at the bank at that time?
13 MR. BLACKMAN: Yes.
14 A. There was not a policy at that time.
15 Q. I think you have testified, correct me if
16 I am wrong -- I don't want mean to lead you, I just want
17 to move this, given the hour -- that you were developing
18 such a policy I think you said in the period of 05/06?
19 A. Correct.
20 Q. Did there come a time when that policy
21 would have led the bank to simply automatically require
22 closure of an account of someone who had been listed by
23 OFAC?
24 A. Yes, the policy developed over a number of
25 years. As you described, 05/06, we had a policy

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1 approved by Group Risk Committee, specifically in
2 relation to compliance with OFAC obligations. Our
3 policy has moved on now to the extent that globally we
4 have a policy which prohibits relationships with anybody
5 on the OFAC list.
6 Q. When did that particular aspect of the
7 policy go into effect, if I may call it that?
8 A. Under my recent leadership of the team,
9 which started from April 09 again, a new policy was
10 introduced in June 09 specifically confirming that. I
11 have to say, I didn't look before then, because I was
12 not working there, but it may well have been in place
13 before then, but certainly from June 09 we have had
14 a policy globally that we will do no relationships with
15 anybody on the OFAC list.
16 Q. In fact, is it the case that in terms of
17 closures of accounts of people that were on the OFAC
18 list, whether pursuant to the policy or otherwise, the
19 only entities you can recall are Interpal and this
20 Northern Ireland charity?
21 MR. SCHWARTZ: Objection, leading.
22 MR. BLACKMAN: You may answer.
23 A. Yes, they are in that period, yes, they
24 are the only ones I can recall.
25 MR. BLACKMAN: I have no further questions.

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1 MR. SCHWARTZ: Just one question. These more
2 stringent policies of which you were just speaking with
3 Mr. Blackman --
4 A. Yes.
5 Q. -- were they a response to increased
6 operations in the United States?
7 A. No, I think they are more a desire to --
8 we just wanted to do it because it is a toughening of
9 our approach.
10 Q. What do you mean by "a toughening of your
11 approach"?
12 A. It means that nowhere in the world will we
13 allow our business, any of our businesses to do business
14 with an OFAC listed entity, but of course it is possible
15 for any institution in Singapore, for example, to do
16 business with an OFAC listed entity, if they want to.
17 We don't allow that.
18 Q. Do these reflect a sentiment by the bank
19 that prior policies about OFAC were insufficiently
20 stringent?
21 A. I am not sure it is that. It is a change
22 in risk appetite.
23 MR. SCHWARTZ: I have no further questions.
24 MR. BLACKMAN: I have one more. I realize you
25 are not a lawyer, but you adopted -- did you adopt these

EXHIBIT 33 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

AMANDA HOLT

Vol. 1

July 23, 2010



Original File 230710 Amanda Holt.txt

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1 individual basis. So I would not say that I would
 2 necessarily have suspicions that they were laundering
 3 money or financing terrorism, it is just they were not
 4 an average run of the mill customer, as far as the
 5 regulations were concerned, and I would feel that
 6 I would want extra information to be absolutely sure
 7 that the bank knew what their business was. It didn't
 8 mean that I was suspicious of criminal intent. It is
 9 just we would need extra information to make sure that
 10 we could demonstrate we knew the customer's business.
 11 Q. And when you talk about the regulations
 12 which were designed for the vanilla customers, are those
 13 regulations KYC regulations?
 14 A. Yes.
 15 Q. Are you familiar with the FATF
 16 organization?
 17 A. Yes.
 18 Q. And did you while you were at Deloitte,
 19 between 2000 and 2002, keep abreast of developments in
 20 FATF?
 21 A. I don't recall 2000 to 2002, I am afraid.
 22 Q. Are you familiar with the FATF Guidelines
 23 on Money Laundering?
 24 A. I recall that whilst I was at RBS I was
 25 very familiar with FATF and what the guidelines were and

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1 what the regulations at that time were. I recall
 2 I spent time making sure I knew what the current FATF
 3 requirements were.
 4 Q. But you place that after you arrived at --
 5 you place that self-education after you arrived at RBS?
 6 A. As far as I recall, yes. I am not saying
 7 that I had not heard of FATF beforehand. It is just
 8 that I recall very clearly sitting at my desk and going
 9 through the FATF requirements.
 10 Q. I know you started at RBS in 2002; do you
 11 recall what month it was?
 12 A. End of January, last of January 2002.
 13 Q. So that was about four months after the
 14 terrorist attacks in the United States, in September,
 15 2001?
 16 A. Yes.
 17 Q. Do you recall learning, either while you
 18 were at RBS or at the time about a FATF conference or
 19 a FATF summit in October 2001 to deal with guidelines on
 20 terror financing?
 21 A. I don't recall the conference in 2001, no.
 22 Q. Did you become familiar with Special
 23 Recommendations that FATF issued with regard to the
 24 bank's role in detecting terror financing?
 25 A. I don't recall anything specific. I am

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1 sorry, it is a long time ago.
 2 Q. When you started at RBS, in or
 3 about January 2002, what was your title?
 4 A. Head of Group Enterprise Risk.
 5 Q. How did you come to get that job?
 6 A. The Bank of England or I suppose by that
 7 stage it was Financial Services Authority had asked
 8 Deloitte and Touche or had asked RBS to commission an
 9 independent review of their Operational Risk function at
 10 Group. Deloitte and Touche were the auditors of RBS at
 11 the time, and so RBS asked Deloitte to do that review,
 12 and as I had done similar reviews whilst I was at
 13 PriceWaterhouse Coopers I was asked to lead that review.
 14 So that is how I came to know all of the Operational
 15 Risk or do a review of the Operational Risk processes
 16 across the bank, and as a result of that I was
 17 approached or one of the recommendations was that they
 18 needed to improve some areas, so they looked for a new
 19 head or they created the new role, Head of Group
 20 Enterprise Risk. They went into the market and I was
 21 asked whether or not I would put myself into that
 22 selection process, which I did, and that is how I got
 23 the job.
 24 Q. Had you done work for RBS while you were
 25 at Deloitte?

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1 A. They were a client.
 2 Q. They were, and what kind of work did you
 3 do for RBS while you were at Deloitte?
 4 A. As I said, Deloitte were their auditors,
 5 so I would have done work as part of or I did work as
 6 part of the audit. So we looked at the IT, we looked at
 7 their processes, and I did the review that was
 8 commissioned by the FSA. They used to be called
 9 Section 39 reports, I can't recall what they were called
 10 at that time, but they were regulatory, specific
 11 regulatory reviews commissioned by the regulator, and I
 12 had been asked to lead the one that Deloitte did.
 13 Q. And that was while you were still at
 14 Deloitte?
 15 A. That was while I was still at Deloitte,
 16 yes.
 17 Q. Do you remember when that was?
 18 A. It would have been in 2001.
 19 Q. Do you recall what the results of that
 20 particular review were?
 21 A. I don't recall the specifics but I do
 22 recall that there were some areas of improvement that
 23 were recommended, and to actually act on those
 24 recommendations that is when RBS decided to create this
 25 new role, Head of Group Enterprise Risk, and they looked

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1 for a new person to actually head up that function.
 2 Q. Is it accurate then that the review that
 3 Deloitte performed was actually submitted to the FSA?
 4 A. Yes.
 5 Q. And in reaction to that the FSA made
 6 certain recommendations to RBS?
 7 A. The report would have been submitted to
 8 both RBS and the FSA, and RBS would have -- RBS agreed
 9 to actually act on the recommendations.
 10 Q. And one of the recommendations was the
 11 creation of this new position which you applied for and
 12 were granted?
 13 A. That is correct, yes.
 14 Q. And then when you got to RBS you initiated
 15 a different kind of review or another review of
 16 Operational Risk?
 17 A. When I got to RBS I was -- trying to think
 18 back -- I was largely implementing the recommendations
 19 that I had made as part of the previous report, to be
 20 perfectly honest, which is a lesson I think that all
 21 consultants should have to do, so yes, it was going
 22 through almost effectively reinterviewing the existing
 23 people that were there and actually deciding what
 24 I thought were the Operational Risk processes or
 25 Enterprise Risk infrastructure that should be at the

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1 bank. Enterprise Risk was defined as aspects of risk
 2 management that were not already covered by Market,
 3 Credit or Liquidity Risk management processes. I had no
 4 specific responsibility at that time for Anti-money
 5 Laundering or Sanctions in Terrorist Financing.
 6 Q. Would Anti-money Laundering and Sanctions
 7 in Terrorist Financing fall under that residual category
 8 of Enterprise Risk not already covered by Market, Credit
 9 or Liquidity Risk.
 10 A. It could do, but at the time the people
 11 responsible for oversight of those processes at Group
 12 were the Group Compliance function, under a man called
 13 David Swanney.
 14 Q. The people responsible for oversight of
 15 which processes?
 16 A. Anti-money Laundering, Sanctions and
 17 Terrorist Financing, in January 2002.
 18 Q. They were in Group Compliance?
 19 A. They were in Group Compliance.
 20 Q. And what was Mr. Swanney's title, if you
 21 recall? Was he Director of Group Compliance?
 22 A. Head of Group Compliance.
 23 Q. And you were Head of Group Enterprise
 24 Risk?
 25 A. That is correct.

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1 Q. Who did you report to?
 2 A. The Head of Group Risk, Richard Gossage.
 3 Q. Did Mr. Swanney also report to
 4 Mr. Gossage?
 5 A. No, he didn't. I don't recall who he
 6 reported to. I think it was -- this is as far as I can
 7 remember, it was Miller Maclean, Group Counsel. He was
 8 Head of Legal. His exact title was Head of Legal.
 9 Q. Did any of the recommendations that you
 10 made when you did your review when you were at Deloitte
 11 involve the Anti-money Laundering Compliance function of
 12 RBS?
 13 A. As far as I recall, no, nothing was that
 14 specific.
 15 Q. Okay. Do you recall what any of the
 16 recommendations you made were?
 17 A. To be honest, I am afraid I don't. The
 18 focus of the review was around organization and Group
 19 policy and procedure. It wouldn't have got down to
 20 a specific recommendation around a specific process.
 21 Q. When you joined RBS, in early 2002, did
 22 you have people who reported to you at the time?
 23 A. I did. Without a Group organigram it
 24 would be difficult for me to recall, but I certainly had
 25 a Head of Group Operational Risk reporting to me.

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1 Q. Do you recall about how many people were
 2 in -- you said you had a Head of Group Operational Risk
 3 reporting to you?
 4 A. Yes, because Operational Risk was viewed
 5 as being a subset of Enterprise Risk.
 6 Q. Were there other subsets of Enterprise
 7 Risk that reported to you?
 8 A. There was the Head of External Risk, but
 9 that was an empty box on an organigram, that was for me
 10 to recruit, and that is who I did -- sorry that was very
 11 bad English -- and I recruited the Head of External
 12 Risk.
 13 Q. And who did you recruit for that position?
 14 A. A man called Andy Brennan. External Risk
 15 was defined as, for want of a better phrase "Upstream
 16 Risk Management", so looking at the bulk of regulation
 17 and legislation that was being developed and coming down
 18 the pipeline that the bank would have to comply with,
 19 but at that point in time didn't have to comply with,
 20 whereas Group Operational Risk was looking at the
 21 current bulk of regulations and legislation that the
 22 bank had to comply with. So it was viewed as more
 23 internally focused, whereas External Risk was more
 24 externally focused.
 25 Q. Would External Risk be responsible for

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1 looking at and trying to predict future legislation and
 2 regulation in the Anti-money Laundering and Terror
 3 Financing area?
 4 A. Initially, in if you like, February 2002,
 5 that would have been done by the Compliance team.
 6 Q. Mr. Swanney?
 7 A. Mr. Swanney. What the Head of External
 8 Risk would have been responsible for was making sure
 9 that Group Compliance actually had their eye on that.
 10 It was not their -- it was not his area of expertise.
 11 We didn't duplicate within the bank, so if Compliance
 12 were responsible for Anti-money Laundering, then we were
 13 very clear that we would work together very closely, but
 14 it was Group Compliance's responsibility.
 15 Q. When you say it was not his area of
 16 expertise, are you talking about Mr. Swanney?
 17 A. I am talking about the Head of External
 18 Risk, who eventually became Andy Brennan.
 19 Q. Okay. You said that "initially"
 20 in February 2002, the Anti-money Laundering and Terror
 21 Financing predicting would have been done by the
 22 Compliance team. By the word "initially", do you mean
 23 to say that that changed at some point?
 24 A. That did change later on in 2002, because
 25 the responsibility of Compliance passed over to Richard

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1 Gossage, the Head of Group Risk. I genuinely cannot
 2 remember exactly when, but in 2002.
 3 Q. And did Mr. Swanney pass over with that
 4 function?
 5 A. No, he didn't. The function passed over
 6 but David Swanney I think left the bank at the time.
 7 Q. Okay, and whenever that function arrived
 8 in -- did it arrive in Group Enterprise Risk?
 9 A. No, it arrived in Group Risk.
 10 Q. So that was not under your -- that was not
 11 part of your remit?
 12 A. Group Compliance was split, I was given
 13 responsibility for ensuring that the Know Your Customer
 14 requirements were being met, and then subsequently the
 15 responsibility for Money Laundering Prevention and
 16 Sanctions in Terrorist Financing was formally passed
 17 over to Enterprise Risk later on in 2002. The rest of
 18 Compliance, which was renamed Group Regulatory Risk, was
 19 passed over to be under Richard Gossage, and there was
 20 a new Head of Regulatory Risk recruited.
 21 Q. Do you recall who that was?
 22 A. Stephen Sanders.
 23 Q. When you started at RBS, in early 2002,
 24 was Stephen Foster one of the people who reported to
 25 you?

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1 A. No, he was not.
 2 Q. Did you hire him at some point?
 3 A. I hired him, yes.
 4 Q. Do you recall when that was?
 5 A. Again, that was in 2002. It was when
 6 I acquired responsibility for Money Laundering
 7 Prevention and Sanctions in Terrorist Financing.
 8 Q. And what were Mr. Foster's duties and
 9 responsibilities?
 10 A. I don't recall the detail. There would
 11 have been a detailed job spec, but his title was Head of
 12 Group Anti-money Laundering.
 13 Q. And do you recall anybody else who
 14 reported to you in or around late 2002, in Group
 15 Enterprise Risk?
 16 A. Just for clarity, is that with
 17 responsibility for Anti-money Laundering and Financial
 18 Crime or across the board?
 19 Q. Let start just with responsibility for
 20 Anti-money Laundering and Financial Crime?
 21 A. Stephen Foster had responsibility for
 22 Anti-money Laundering and Financial Crime. There was
 23 a separate project going on I think. Towards the end of
 24 2002 and 2003, the Joint Money Laundering Steering
 25 Group, which is a regulatory body which has members

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1 consisting of banks, Government regulators, were
 2 revisiting and reviewing all of the regulations for
 3 anti-money laundering, so that was a big project to make
 4 sure that the bank -- I think RBS was asked to actually
 5 represent small banks as part of that Steering Group, so
 6 the person I had who looked after representing those
 7 banks, as those regulations were being discussed and
 8 revised, was a man called Charlie Middleton. But that
 9 was specifically around Anti-money Laundering rather
 10 than Sanctions and Terrorist Financing, and those were
 11 the only people who reported to me specifically around
 12 Financial Crime, Anti-money Laundering, Sanctions and
 13 Terrorist Financing.
 14 Q. So I am sure I understand, was
 15 Mr. Middleton the RBS representative on this Joint Money
 16 Laundering Steering Group?
 17 A. He ran the project for me. So he looked
 18 at any change program that would be required within the
 19 bank. The bank was big -- I felt at the time that the
 20 bank was sufficiently large that you needed to have one
 21 person looking specifically on the day-to-day making
 22 sure the bank was compliant. That was Stephen Foster.
 23 Any changes were a completely separate job, and that was
 24 looked at by Charlie Middleton. He had been part of
 25 Group Compliance. He had had a knowledge of Anti-money

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1 THE VIDEOGRAPHER: Going off the record at
 2 11:05 am.
 3 (A short break)
 4 THE VIDEOGRAPHER: Back on the record at 11:22
 5 am.
 6 MR. GOELMAN: After the Money Laundering
 7 Compliance function came under your supervision, did you
 8 try to stay abreast of press reports of terrorism
 9 investigations in the UK and abroad?
 10 A. I kept abreast of what was actually going
 11 on in the newspapers. Anything that was deemed relevant
 12 specific would have been brought to my attention by the
 13 team. I didn't specifically go out of my way to look at
 14 any specific press reports.
 15 Q. Were there particular newspapers that you
 16 read regularly in the latter part of 2002?
 17 A. No specific newspapers. I think I had the
 18 FT, as far as I recall, delivered to my desk every
 19 morning, but nothing specific.
 20 Q. What about trade publications in the
 21 Compliance field? Did you regularly read -- are you
 22 familiar with Complinet?
 23 A. I am familiar with Complinet. I can't
 24 recall whether or not I specifically had Complinet in to
 25 my e-mail inbox or whether it came into the team, but

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1 there were Complinet feeds into the team.
 2 Q. And if some of the team thought there was
 3 something that should be brought to your attention, they
 4 would refer that to you?
 5 A. Yes, they would do.
 6 Q. I understand that when the terrorist
 7 attacks of 9/11 happened you were not yet at RBS, is
 8 that true?
 9 A. That is true.
 10 Q. Do you recall following press reports
 11 about a London connection to the 9/11 attacks?
 12 A. I don't recall anything specific that
 13 wouldn't have been in the general newspapers.
 14 Q. Do you know who Richard Reed is?
 15 A. If by "Richard Reed" you mean Richard Reed
 16 the shoe bomber, then I know of or I have read about
 17 Richard Reed the shoe bomber, yes.
 18 Q. At the time that that incident with the
 19 shoe bomb happened, were you aware that Mr. Reed was
 20 from the Finsbury Park section of London?
 21 A. I was not specifically aware of where he
 22 was from, not that I recall now.
 23 Q. Did you follow reports in the media about
 24 violence in Israel and the Palestinian territories in or
 25 about the latter part of 2002?

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1 A. I don't recall anything specific in terms
 2 of -- I didn't follow anything specifically. I would
 3 have read the newspapers, as far as I had time to read
 4 the newspapers, but I don't recall anything specific.
 5 Q. Do you recall just in general reading
 6 about a series of terrorist attacks in Israel about that
 7 time?
 8 A. I don't recall anything specific from that
 9 time.
 10 Q. Are you familiar with the group called
 11 Hamas?
 12 A. I am familiar.
 13 Q. Were you familiar with Hamas in or around
 14 2002?
 15 A. I would have been. I don't recall
 16 specifically, but I would have been. It is such a long
 17 time ago I can't actually put a specific date. I was
 18 aware that Hamas was on the terrorist lists.
 19 Q. And were you aware that Hamas was
 20 a Palestinian group?
 21 A. Yes.
 22 Q. And was an Islamic group?
 23 A. Yes.
 24 Q. Are you familiar with the term "Intifada"?
 25 A. I am familiar with that term.

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1 Q. What do you understand that to mean?
 2 A. I understood that to mean the protest,
 3 violent protest by Palestinians.
 4 Q. Were you familiar -- were you aware of the
 5 Intifada that was going on in Israel and the Palestinian
 6 territories in the period 2001 to 2004, say?
 7 A. From reading the newspapers I would have
 8 been aware, and I am sure -- I don't recall specifics,
 9 but yes, I would have been aware. I tried to keep
 10 abreast, particularly given my role, of the various
 11 different world events that were going on.
 12 Q. How did you do that? How did you try to
 13 keep abreast of world events?
 14 A. By watching the news and by reading the
 15 newspapers. If there was anything specific that
 16 I should have known about then I would have been briefed
 17 by my team.
 18 Q. You testified that you were aware that
 19 Hamas was on the terrorist list, you just testified to
 20 that, and I want to know which terrorist list in
 21 particular you were aware of Hamas' inclusion on?
 22 MR. LUFT: Objection, vague as to time.
 23 Q. In 2002, say.
 24 A. I can't say exactly when I became aware of
 25 when they were on the list, okay, what I can say was

<p>HIGHLY CONFIDENTIAL Page 69</p> <p>1 contained in this paragraph?</p> <p>2 A. As far as I recall, yes.</p> <p>3 Q. And you indicated that your reaction to</p> <p>4 Mr. Foster was that you wanted to know more about this</p> <p>5 case?</p> <p>6 A. It is, yes.</p> <p>7 Q. You were familiar with what OFAC's role in</p> <p>8 administering the American sanctions regime was</p> <p>9 in September and August 2003, weren't you?</p> <p>10 A. I was aware of what OFAC was responsible</p> <p>11 for doing, yes.</p> <p>12 Q. And is one of the things that you wanted</p> <p>13 to know more about was why OFAC had decided to list</p> <p>14 Interpal as a terrorist organization?</p> <p>15 A. Initially what I wanted to know was which</p> <p>16 lists that the Group was subject to across the Group</p> <p>17 globally Interpal was on, because I wanted to know which</p> <p>18 part of the Group really needed to comply with, so</p> <p>19 I knew which part of the Group, which team I had to talk</p> <p>20 to more than anything else, to get more information.</p> <p>21 Q. Do you recall which part of the bank</p> <p>22 Interpal was a customer of?</p> <p>23 A. As far as I recall, it was a part of CBFM,</p> <p>24 Corporate Bank and Financial Markets.</p> <p>25 Q. Did you also want to know more about why</p>	<p>HIGHLY CONFIDENTIAL Page 71</p> <p>1 no -- there was no tolerance within the bank for not</p> <p>2 complying with the regulation and legislation.</p> <p>3 Q. Was there a specific concern for reacting</p> <p>4 in a timely fashion because this involved potential</p> <p>5 support of terrorism?</p> <p>6 A. Right, we would have reacted quickly, yes,</p> <p>7 yes. I am trying to think of the best way of expressing</p> <p>8 this. There was an acute awareness that the difference</p> <p>9 between Anti-money Laundering and the Sanctions and</p> <p>10 Terrorist Financing processes is that in most cases of</p> <p>11 Enterprise Risk judgment you could take a risk based</p> <p>12 judgment over things. So whether or not -- not so much</p> <p>13 in Know Your Customer, but certainly in terms of whether</p> <p>14 or not you would, say, authorize a new product. But in</p> <p>15 terms of terrorist financing, there was no risk based</p> <p>16 judgment. If the name was on the list that you had to</p> <p>17 comply with, you had to comply, and you had to make sure</p> <p>18 that you could put in procedures as quickly as possible.</p> <p>19 So I know I wouldn't have sat on it: "What should we do</p> <p>20 about this?" I would have reacted very quickly to get</p> <p>21 the information we as team needed to make sure that the</p> <p>22 bank acted quickly and appropriately.</p> <p>23 Q. You said if the name was on the list that</p> <p>24 you had to comply with, are you talking about -- what</p> <p>25 list are you referring to specifically there?</p>
<p>HIGHLY CONFIDENTIAL Page 70</p> <p>1 OFAC had listed a customer of the bank as a specially</p> <p>2 designated global terrorist?</p> <p>3 A. I am only pausing to try and think back.</p> <p>4 My main concern was not to try and question OFAC, it was</p> <p>5 more to understand exactly, as I said, which lists they</p> <p>6 were on and which team I needed to talk to to get more</p> <p>7 information from, and so then we could decide how the</p> <p>8 bank would most appropriately respond to fulfill its</p> <p>9 obligations.</p> <p>10 Q. Did you talk to the team at CBFM?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Do you recall who you talked to in</p> <p>13 particular?</p> <p>14 A. I don't recall who I spoke to when but</p> <p>15 I do remember speaking to Irvine Rodger.</p> <p>16 Q. As best as you can recall, can you give me</p> <p>17 an approximate, if not a date, at least how long after</p> <p>18 you first learned of OFAC's designation of Interpal it</p> <p>19 was when you spoke to Mr. Rodger?</p> <p>20 A. I can't give you any indication of time.</p> <p>21 I do know that I would have done it as soon as</p> <p>22 I possibly could.</p> <p>23 Q. Why is that?</p> <p>24 A. Mainly because, if there was an issue, we</p> <p>25 needed to address it quickly. There was absolutely</p>	<p>HIGHLY CONFIDENTIAL Page 72</p> <p>1 A. Different lists related to different parts</p> <p>2 of the Group.</p> <p>3 Q. So are you specifically limiting that to</p> <p>4 the list that the bank was legally obliged to follow in</p> <p>5 that particular jurisdiction?</p> <p>6 MR. LUFT: Objection, vague, confusing.</p> <p>7 A. There was a legal minimum that the bank</p> <p>8 had to comply with, which was very clear. If a name was</p> <p>9 on the Bank of England lists, it was very clear as to</p> <p>10 the procedure that the bank had to follow. Now, the</p> <p>11 bank didn't just operate in the UK. We had Group</p> <p>12 responsibility, not just UK responsibility, and as</p> <p>13 a Group function we needed to get the information</p> <p>14 required to actually make the right decision for the</p> <p>15 right part of the Group. Okay?</p> <p>16 Q. If an organization was not on the Bank of</p> <p>17 England list but there were other indications of</p> <p>18 possible connections with terror financing, could the</p> <p>19 bank then take a risk based judgment approach?</p> <p>20 MR. LUFT: Objection, incomplete hypothetical,</p> <p>21 calls for speculation.</p> <p>22 A. As far as I recall, the bank did not</p> <p>23 discount or it didn't take an easy decision in terms of:</p> <p>24 "This is a UK customer, it is not on the Bank of England</p> <p>25 list, we can therefore ignore them." The bank took</p>

<p>HIGHLY CONFIDENTIAL Page 73</p> <p>1 a view which was: "This organization must have been put 2 on the list for a reason. We will do further 3 investigation." As far as I recall, that is what the 4 team in CBFM did, to actually fully understand as far as 5 we could the facts around Interpal. It comes back down 6 to what I previously said. We tried to make up our own 7 minds as to what was the best course of action.</p> <p>8 Q. You testified there was an acute awareness 9 that the difference between Anti-money Laundering and 10 the Sanctions in Terror Financing processes is that in 11 most cases of Enterprise Risk judgment you could take 12 a risk based judgment over things".</p> <p>13 A. Yes.</p> <p>14 Q. My question is, if there was a customer 15 that was not on the Bank of England list, but there was 16 reason to suspect was involved with terror financing, 17 could you in that case take a risk based judgment 18 approach that you could take in most Money Laundering, 19 Anti-money Laundering processes?</p> <p>20 MR. LUFT: Objection, misstates her prior 21 testimony and asked and answered.</p> <p>22 A. I didn't say risk based -- the exact 23 example I gave you was in a new product. So you could 24 actually take a risk based decision: do we actually want 25 to authorize this new product or not? What I actually</p>	<p>HIGHLY CONFIDENTIAL Page 75</p> <p>1 based decision was aspects of Operational or Enterprise 2 Risk. So the example I used was if you are deciding as 3 an organization to launch a new product, because one of 4 the aspects of Enterprise Risk that I was responsible 5 for was managing the new product approval process, you 6 could actually, say, take a risk based decision as to 7 whether or not you would actually launch a new product. 8 I was comparing that against Sanctions and Terrorist 9 Financing and saying that you could not take a risk 10 based decision with Sanctions and Terrorist Financing. 11 I am not including KYC in that at all. I am saying new 12 products/sanctions in terrorist financing -- what I am 13 saying is we didn't take a risk based decision around 14 sanctions in terrorist financing. The law for us was 15 very, very clear. This was covered by law; it was not 16 covered by regulation in the UK.</p> <p>17 Q. My question is, does the policy of not 18 taking a risk based approach to terrorism and to 19 terrorism financing and sanctions extend to situations 20 like Interpal, where they were listed by OFAC but not 21 listed by Bank of England?</p> <p>22 MR. LUFT: Objection, vague and ambiguous.</p> <p>23 A. Could you repeat your question. I am not 24 entirely sure.</p> <p>25 Q. Sure. First, can you tell me what you</p>
<p>HIGHLY CONFIDENTIAL Page 74</p> <p>1 said was there was absolutely no scope for taking a risk 2 based decision when dealing with the Sanctions and 3 Terrorist Financing process, okay.</p> <p>4 Q. And does that involve --</p> <p>5 MR. LUFT: Are you done answering? I just 6 want to make sure you are done with your answer.</p> <p>7 A. If I can remember back what I said, so 8 I thought I had answered your question by talking 9 specifically about this instance, which was what we 10 actually did was ask for more information and actually 11 do some further investigation so we actually understood 12 what the facts were. At no point did I make any 13 reference to making a risk based decision. We were 14 still at that stage fact gathering to make our own 15 decisions, not on a risk basis, but purely on the facts.</p> <p>16 Q. I am just trying to understand what you 17 meant by your previous answer when you drew 18 a distinction between kind of generic Money Laundering 19 and the applicability of a risk based judgment there, 20 right, as opposed to Sanctions and Terrorism, where it 21 was more binary. Is that fair to say, that if something 22 is on the list you just cannot do it?</p> <p>23 MR. LUFT: Objection, misstates her prior 24 testimony.</p> <p>25 A. What I said in terms of taking the risk</p>	<p>HIGHLY CONFIDENTIAL Page 76</p> <p>1 mean when you use the phrase "risk based approach"? 2 A. Okay. A business unit, an insurance 3 division wants to, rather than offer the existing 4 products just on its own account actually say: "We can 5 offer these products badged under a different badge, 6 a different organization. We can do all of the back 7 office processing for this other organization and make 8 money out of it." So rather than selling direct line 9 insurance processes, insurance products, the insurance 10 division could actually set up a separate area and say: 11 "We will use all of our direct line back office 12 processing but actually offer insurance on behalf of 13 Lloyd's TSB."</p> <p>14 That is a new product. It would come through 15 a full new product approval process, and in front of the 16 various different signatories, including me, could be: 17 "Well, there is an advantage in that there will be extra 18 revenue. There is a potential risk, which is lack of 19 customer confidentiality, how you clearly apportion your 20 revenues, a number of different things." As part of this 21 being a new business model, you would take a risk based 22 approach. You could never manage those operational risks 23 down to zero unless you just didn't do the business at all. 24 So there was all always a trade off between the upside of 25 the income you would generate and the downside of potential</p>

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1 operational losses. That was what I mean by a risk based
 2 decision.
 3 Q. So a risk based decision necessarily
 4 encompasses a weighing of the potential advantages to
 5 the bank versus the potential risks of taking
 6 a particular action.
 7 A. That is correct.
 8 Q. And in a case where the bank was not
 9 legally obligated by the presence of a name on the Bank
 10 of England sanctions list, but nevertheless had
 11 information suggesting that there was a link to
 12 terrorism, would such a weighing of potential advantage
 13 versus potential risk to the bank be appropriate?
 14 MR. LUFT: Objection, incomplete hypothetical.
 15 A. I can't say across the board, but I can
 16 talk through exactly as far as I recall the thought
 17 processes that went through with Interpal.
 18 Q. Okay, but you cannot tell me just as
 19 a general matter whether a risk based approach would be
 20 appropriate in that kind of scenario?
 21 A. I can recall a very clear statement across
 22 the board, whether it was a Regulatory Risk policy or an
 23 Enterprise Risk policy, that the bank had zero appetite
 24 for regulatory breaches, let alone legislative legal
 25 breaches. So, for want of a better phrase, there was

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1 a zero risk appetite for not complying with regulation
 2 and legislation, as far as the Group could see it and
 3 understood it, across the board. Does that answer your
 4 question?
 5 MR. GOELMAN: We have to change the tape.
 6 Time to take another break.
 7 THE VIDEOGRAPHER: End of tape one, volume one
 8 in the video deposition of Ms Amanda Holt. Going off
 9 record at 12:09 pm.
 10 (A short break)
 11 THE VIDEOGRAPHER: This is the beginning of
 12 tape two, volume one in the video deposition of
 13 Ms Amanda Holt. Back on the record at 12:18 pm.
 14 MR. GOELMAN: Ms Holt, before we broke or
 15 several minutes before we broke you were talking about
 16 a meeting that you recalled having with Mr. Rodger at
 17 some point after Mr. Foster first alerted you to the
 18 fact that Interpal had been listed by OFAC. Do you
 19 recall that?
 20 A. I recall saying that I had either talked
 21 or met with Irvine, yes.
 22 Q. So either a phone conversation or an in
 23 person meeting?
 24 A. Yes, it could even have been an e-mail,
 25 but I definitely remember contacting Irvine.

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1 Q. And what was the purpose of you contacting
 2 Irvine at that point?
 3 A. To confirm that Interpal was a customer of
 4 CBFM, that he knew that there were concerns relating to
 5 it, and to discuss what needed to be done to actually
 6 determine the next course, the course of action.
 7 Q. What do you recall about the content of
 8 that communication between yourself and Irvine Rodger?
 9 A. I can't remember the specific details but
 10 I do remember that Irvine or a member of his team did
 11 some further investigation of the Interpal account in
 12 terms of monies in/monies out.
 13 Q. When you say "some further investigation",
 14 what did that encompass, if you recall?
 15 A. I don't recall the detail, other than they
 16 went to see exactly how the account was being operated
 17 and, as I said, as far as they could, determine where
 18 monies were coming in from and where payments were being
 19 made, to see if there was any cause for suspicion.
 20 Q. Any cause for suspicion that what?
 21 A. That they were funding terrorism.
 22 Q. And specifically Hamas?
 23 A. Yes.
 24 Q. What do you recall? Do you recall
 25 subsequent communications between Mr. Rodger or anyone

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1 working for him?
 2 A. Again, I don't recall the detail. I don't
 3 know whether now is the right time to say, but the way I
 4 approached this, or any other concern that came to me
 5 when I was in this role, was just because something
 6 wasn't on a Bank of England list wouldn't actually have
 7 meant that I just dismissed things. The Group as
 8 a whole and me as an individual had absolutely no
 9 tolerance whatsoever, no risk based decision whatsoever,
 10 funding terrorism. If there was any thought whatsoever
 11 that a customer of the bank was funding terrorism or was
 12 getting involved in any type of financial crime, that
 13 would have been reported straightaway. It wouldn't
 14 necessarily have mattered that they were not on a Bank
 15 of England list. I took my responsibilities very, very
 16 seriously, not just because of the financial penalties
 17 that went with sanctions and, you know, the terrorist
 18 legislation. If I was responsible for making sure that
 19 the bank put in place procedures to detect terrorist
 20 financing, then I would have taken those or I took --
 21 not would have, I took those responsibilities very
 22 seriously.
 23 Q. When you say "not just because of the
 24 financial penalties that went with sanctions", what
 25 other reasons?

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1 A. As a matter of personal integrity. I had
 2 a job to do and I do it to the best of my ability, and
 3 I felt that is what my team did as well.
 4 Q. And is it fair to say you were also aware
 5 of the consequences of being wrong about a customer of
 6 the bank facilitating terrorism, in terms of what that
 7 would mean to the victims of that terrorism?
 8 A. Of course.
 9 MR. LUFT: Objection, vague.
 10 A. I don't -- as an individual I could never
 11 ever condone terrorism. Okay? It doesn't matter who is
 12 doing it. That is me as an individual and me as an
 13 employee.
 14 Q. You testified that if there was any
 15 thought whatsoever that a customer of the bank was
 16 funding terrorism that would have been reported
 17 straightaway. Did you consider a listing by the United
 18 States Department of Treasury of Interpal as a funder of
 19 terrorism to be a thought that a customer was funding
 20 terrorism?
 21 A. By that do you mean was the fact that
 22 Interpal was on one of the FATF lists, did that cause me
 23 to --
 24 Q. OFAC lists?
 25 A. OFAC lists, sorry.

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1 Q. You testified that --
 2 MR. LUFT: Did you finish your answer?
 3 A. I was just asking for further
 4 clarification, sorry. By your question, did you mean
 5 did I consider the fact that Interpal was on the OFAC
 6 list would give me cause to suspect they were funding
 7 terrorism? I didn't understand your question.
 8 Q. Let me rephrase it. You testified that if
 9 there was any thought whatsoever that a customer of the
 10 bank was financing terrorism, or was getting involved in
 11 any type of financial crime, that would have been
 12 reported straightaway. My question was about the phrase
 13 "if there is any thought whatsoever", and whether you
 14 considered that a listing by OFAC that a bank customer
 15 was funding terrorism was sufficient to be "a thought
 16 whatsoever" in your estimation?
 17 A. I can't speak generally but I can speak
 18 specifically about OFAC, which was that was what
 19 prompted us, prompted me to ask Irvine to do a detailed
 20 review of Interpal, or enhanced oversight, however you
 21 want to phrase it, of the Interpal account. I felt that
 22 was above and beyond having a suspicion, because
 23 a suspicion would have involved talking to or just
 24 reporting to the relevant authorities. Well, they
 25 already would have been aware, so we were doing

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1 additional work ourselves to get additional information
 2 to a greater level of depth.
 3 Q. I am going to ask the court reporter to
 4 mark this as Exhibit 4, please.
 5 (Exhibit Holt 4 marked for identification)
 6 For the record, this is a printout from the OFAC
 7 Office of Public Affairs website. Ms Holt, at any point
 8 after RBS' customer, Interpal, was designated as a specially
 9 designated global terrorist by OFAC, did you take any steps
 10 to learn why OFAC believed that Interpal was a supporter of
 11 terrorism?
 12 A. I don't recall. I don't recall.
 13 Q. Were you aware when you were Head of Group
 14 Enterprise Risk that OFAC had a website?
 15 A. I don't recall. I genuinely don't recall.
 16 Q. Did you have access to the Internet from
 17 your desktop computer?
 18 A. I did, yes.
 19 Q. Earlier you spoke of your general
 20 philosophy of wanting to see things for yourself. Do
 21 you recall that?
 22 A. I do, yes.
 23 Q. Wouldn't a visit to the OFAC website have
 24 been consistent with that approach?
 25 A. I can't recall exactly what I did in 2002

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1 and 2003.
 2 Q. Can you turn to page 5 out of 6 of Holt
 3 Exhibit 4, please. At the bottom it says: "Palestinian
 4 Relief and Development Fund- Interpal." Do you see
 5 that? Bottom of page 5 out of 6, it just says:
 6 "Palestinian Relief and Development Fund - Interpal."
 7 Do you see that?
 8 A. I do see that.
 9 Q. If you turn over, the first sentence there
 10 says:
 11 "Interpal, headquartered in the UK, has been
 12 a principal charity utilized to hide the flow of money
 13 to Hamas."
 14 Did you know in 2003 that OFAC had concluded
 15 that Interpal was a principal charity utilized to hide
 16 the flow of money to Hamas?
 17 A. I did know they had concluded that, yes.
 18 Q. Did you know, in particular, that OFAC had
 19 concluded that Interpal was secretly funding Hamas?
 20 MR. LUFT: Objection, assumes facts not in
 21 evidence.
 22 Q. I will rephrase that. When you say that
 23 you knew that OFAC had concluded that Interpal was
 24 a principal charity used to hide the flow of money to
 25 Hamas, is it fair to say you knew that the allegation

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1 was the funding of Hamas was something that Interpal was
 2 keeping secret?
 3 A. I was aware that Interpal had appeared on
 4 the OFAC lists, yes.
 5 Q. And were you aware that OFAC had concluded
 6 that Interpal was secretly funding Hamas?
 7 MR. LUFT: Objection, assumes facts not in
 8 evidence.
 9 A. I don't recall that the word "secretly"
 10 was ever used. I was aware that Interpal was on the
 11 OFAC list and I was aware that we reacted to that.
 12 Q. And you were aware that OFAC had concluded
 13 that Interpal was a charity utilized to hide the flow of
 14 money to Hamas, is that fair?
 15 A. I was aware that Interpal was registered
 16 as a charity in the UK and that they had appeared on the
 17 OFAC list.
 18 Q. Were you, as Head of Group Enterprise Risk
 19 in 2002, aware that the use of charities to hide the
 20 flow of money to terrorist organizations was
 21 a recognized typology by FATF?
 22 A. I was aware that as far as the Group was
 23 concerned, Group Enterprise Risk was concerned, it
 24 didn't really matter whether it was a charity or whether
 25 it was trade finance or what vehicle was used to

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1 actually fund terrorism, that there were numerous
 2 different typologies that could be used, all of which
 3 the group was mindful of, so yes.
 4 Q. Were you aware that organizations or
 5 people that funded terrorism often concealed that fact?
 6 A. Yes.
 7 Q. Were you aware that the Charities
 8 Commission in 2003 temporarily froze Interpal's accounts
 9 at RBS?
 10 A. I recall that the Charities Commission
 11 investigated Interpal, absolutely.
 12 Q. And do you recall that a Charities
 13 Commission issued a report after that investigation?
 14 A. I was aware that they -- yes.
 15 Q. Did you read that report?
 16 A. As far as I recall, yes, I did read the
 17 report. I can't remember the detail of that report. I
 18 have not seen it since that time, but I do remember
 19 I did recall reading it. It would have been part of my
 20 briefing pack.
 21 Q. Would have been part of your what?
 22 A. Part of my briefing.
 23 Q. By Mr. Foster?
 24 A. Yes.
 25 Q. So you recall Mr. Foster providing you

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1 with a copy of the report?
 2 A. Yes.
 3 Q. What would you have done with that
 4 briefing pack after Mr. Foster provided it to you?
 5 A. Handed it back to Stephen. Stephen and
 6 I would have sat down and he would have actually --
 7 I would have read the pack, he would have talked me
 8 through it and I would have handed it back to him to
 9 file.
 10 Q. Did Mr. Foster maintain a file on the open
 11 cases that he was responsible for?
 12 A. Yes.
 13 Q. So that Charities Commission report
 14 presumably would be included in a file on Interpal
 15 maintained by Mr. Foster?
 16 A. As far as I recall that would be the case.
 17 We were a group subject to Internal Audit, as was any
 18 function in the Group, so we would have had to keep
 19 our -- we kept our papers such that we could be audited.
 20 Q. Do you recall, sitting here today, what
 21 the Charities Commission report said?
 22 A. As I have already said, I don't remember
 23 the detail but I do remember it did not cause us to exit
 24 the account.
 25 Q. Do you remember anything, any of the

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1 substance of the report?
 2 A. I don't remember the substance of the
 3 report, no.
 4 Q. I am going to be hand the court reporter
 5 a document to be marked as Holt Exhibit 5, please.
 6 (Exhibit Holt 5 marked for identification)
 7 For the record, this is Bates stamped NW66682
 8 through 6686. As I said before, you can feel free to take
 9 your time and review any part of this you want. I am not
 10 going to be asking you questions about the entire article.
 11 The e-mail chain chronologically begins on the fourth page
 12 of this exhibit.
 13 A. Okay.
 14 Q. Would you turn to the third page, Bates
 15 stamped NW66684. There is an e-mail sent
 16 on December 10, 2004 from David Outhwaite to yourself
 17 and someone named Graham Hardy. Do you see that?
 18 A. I do.
 19 Q. And the subject is: "Forward Google alert
 20 NatWest."
 21 A. Yes.
 22 Q. Do you recall getting that e-mail from
 23 Mr -- is it "Outhwaite"?
 24 A. I don't know whether it is Outhwaite or
 25 Outhwaite, but I do remember getting the e-mail.

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1 Q. Who is Mr. Outhwaite?
 2 A. I couldn't put a face to him but the Head
 3 of Retail Media Relations means that he was responsible
 4 for dealing with the media on behalf of the Retail Bank.
 5 So if there had been any -- one of his responsibilities
 6 was to look at what was out there in the newspapers and
 7 see how it would have impacted on the bank, primarily
 8 from a reputational perspective, so reputation. He had
 9 no regulatory background. It was press relations.
 10 Q. Who was Graham Hardy?
 11 A. I don't know, or I don't recall.
 12 Q. What do you recall about getting this
 13 e-mail from Mr. Outhwaite on December 10, 2004?
 14 A. As the e-mail dated December 10 at 11:14
 15 am would imply, I was aware, just for clarity, I was
 16 aware that the bank had accounts for people -- I should
 17 put in here it was sloppy typing on my part -- allegedly
 18 connected to Hamas but not Hamas itself, so we were
 19 already aware of the allegations.
 20 Q. So Mr. Outhwaite sent this e-mail to you
 21 at 10:19 am. Is that right?
 22 A. Yes.
 23 Q. Would you have read the article that he
 24 attached?
 25 A. My e-mail back to him says: "I can't see

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1 the article", but if he sent it back to me at 6:23 on
 2 the front, I would have. I did read the article.
 3 Q. He sent his initial e-mail to you at 10:19
 4 am on Friday December 10.
 5 A. Yes.
 6 Q. Do you know how he could have sent the
 7 follow up e-mail with the article at 6:23 am?
 8 A. I have absolutely no idea, I am sorry. I
 9 have no idea.
 10 Q. You sent an e-mail responding to his
 11 initial e-mail at 11:14 am, correct?
 12 A. That is correct.
 13 Q. And you copied Mr. Foster?
 14 A. Yes.
 15 Q. And Sharon Wilson?
 16 A. Yes.
 17 Q. And Sue Smith?
 18 A. Yes.
 19 Q. And who is Sue Smith?
 20 A. I don't remember a Sue Smith but she
 21 was -- I don't remember a Sue Smith. I am just looking
 22 at the titles. It says here she is Operational Risk
 23 Manager, so she was in the Retail side of the business.
 24 Q. You commented earlier on the portion of
 25 the e-mail, you say: "However, we were aware that we had

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1 accounts of people connected to Hamas."
 2 A. Allegedly connected to Hamas.
 3 Q. You are saying "allegedly"?
 4 A. Yes.
 5 Q. But the e-mail says "for people connected
 6 to Hamas", true.
 7 A. That is what the e-mail said, but I have
 8 mistyped that e-mail.
 9 Q. I understand that is your testimony. I am
 10 asking you about this particular e-mail though.
 11 A. Sure.
 12 Q. The e-mail states:
 13 "We were aware that we had accounts for people
 14 connected to Hamas but not Hamas itself." Correct?
 15 MR. LUFT: Documents speaks for itself.
 16 A. That is what the e-mail says, yes.
 17 Q. And you sent that to four people, correct?
 18 A. Two or three people, copied to Sharon,
 19 yes, one other.
 20 Q. And did any of those people ever correct
 21 you about awareness of accounts for people connected to
 22 Hamas?
 23 A. The person who would have corrected me
 24 would have been Stephen, but as to whether or not he
 25 actually felt the need to correct me, I don't recall,

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1 because it was very clear between Stephen and I that the
 2 meaning was allegedly connected, not actually connected.
 3 If we had any accounts connected to Hamas we would have
 4 already reported and exited them.
 5 Q. So is it your testimony that you don't
 6 recall anybody correcting that purported error?
 7 A. My testimony is there would be no need for
 8 anybody to correct because their understanding was that
 9 "allegedly" should have been in there.
 10 Q. Regardless of whether or not there was
 11 a need to correct, you don't sitting here today recall
 12 anybody correcting you?
 13 MR. LUFT: Objection, asked and answered.
 14 MR. GOELMAN : Asked and not answered.
 15 MR. LUFT: I am not going to argue with you,
 16 Mr. Goelman. I just make my objection.
 17 A. What I said was I don't recall Stephen
 18 coming in and correcting me, no. That is not to say
 19 that he didn't. I don't recall because there would have
 20 been no need.
 21 Q. Later this e-mail was forwarded to other
 22 people as well, including people in the CBFM, true?
 23 A. I have no idea who it was forwarded on to.
 24 Q. Do you recall at any point anybody,
 25 Stephen Foster, Irvine Rodger, anybody correcting what

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1 you now say was a mistake in saying: "We were aware that
2 we had accounts with people connected to Hamas"?
3 MR. LUFT: Objection, argumentative.
4 A. I can only say what I have already said,
5 which is I don't recall anybody correcting me because
6 there was no need to correct, because everybody
7 understood it was allegedly.
8 MR. GOELMAN : I will move to strike the last
9 portion of that as non-responsive.
10 MR. LUFT: I will object to your motion.
11 Q. You testified that you read this article
12 that was forwarded to you by Mr. Outhwaite?
13 A. Yes, I did.
14 Q. I want to refer you to the third paragraph
15 of this article. It says:
16 "The most active Hamas front organization
17 worldwide is the London based Interpal, which publishes
18 anti-American and anti-Israeli propaganda, and which in 2003
19 alone sent more than \$23 million to different Hamas
20 organizations in the Palestinian territories. In addition
21 to fundraising in England in pounds sterling, Interpal lists
22 on its websites four different bank accounts to which
23 contributors can send money. All the accounts are with
24 NatWest Bank and the international scope of the organization
25 is evident by dedicated dollar and euro accounts."

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1 My question is what was your reaction when you
2 read that part of this article when it was sent to you by
3 Mr. Outhwaite on December 10, 2004"?
4 A. That we needed to actually look at the
5 account. I don't remember whether we had already
6 started looking at the account or whether or not this
7 prompted further looking. What I do remember is an
8 overall sense of extreme -- "anger" is too strong,
9 "irritation" is too weak, in terms of the content of
10 this, purely for a lot of the derogatory language used
11 in this entire article. But I do remember consciously
12 putting aside the emotion that comes out of reading, to
13 be perfectly honest I would say 70 percent of any
14 newspaper article, and that is why we as a Group always
15 focused on the facts.
16 So what I am saying is that it doesn't really
17 matter whether or not I read a newspaper article that is
18 favorable or read a newspaper article that was favorable to
19 NatWest or derogatory for NatWest. You feel the emotion,
20 you get over that emotion, you put it to one side and you
21 say: "Okay, how much of this is fact?" So I don't know
22 whether or not -- I can't remember from a timing whether or
23 not the Group had already started to investigate Interpal,
24 but I would have gone back to the facts. People can make
25 allegations but what we as a Group function were responsible

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1 for was to get back to the facts. Okay?
2 Q. You testified that: "I would say 70
3 percent of any newspaper article", and I do not
4 understand. "70 percent of any newspaper article" is
5 what?
6 A. That would cause some sort of emotion.
7 Newspaper articles are designed to cause a response in
8 the people who read them. That is why -- what I am
9 trying to do is explain to you the modus operandi of the
10 Group team at the time in RBS, that we would put aside
11 the emotion of whatever, we could not be held hostage to
12 newspaper articles, we had to come back to the law and
13 regulation and the fact. So we could not be held
14 hostage to what a particular newspaper thought, what
15 a particular executive or customer or lobbying group or
16 anybody thought.
17 So, yes, of course, I felt emotion reading this
18 article. You asked me what I thought and what I did.
19 I felt emotion, I put it to one side and said: "Okay, let's
20 have a look at the facts and see exactly what is true here.
21 What are the facts here?"
22 Q. And the emotion you felt on reading this
23 article was something between irritation and anger?
24 A. Yes.
25 Q. And that was irritation and anger at the

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1 author of this article?
2 MR. LUFT: Objection, mischaracterizes the
3 witness' prior testimony.
4 Q. Who did you feel irritation and anger at?
5 A. Just wild, unsubstantiated accusations.
6 Q. When you first read this article you
7 regarded the accusations about Interpal to be wild and
8 unsubstantiated?
9 A. It starts right at the top:
10 "Tony Blair and the Europeans are focusing their
11 attention on the creation of a Palestinian state as the
12 magic formula for peace in the Middle East".
13 I am a European. How dare they speak on my
14 behalf? That is the type of irritation I am talking about.
15 Q. I understand. My initial question was
16 your reaction on reading the paragraph about Interpal.
17 A. I am talking about the whole article. My
18 testimony said "the whole article". You asked me what
19 I did.
20 Q. Do you recall what your reaction was on
21 reading the portion of the article that involved
22 NatWest's customer, Interpal?
23 A. As I have already said, my reaction was:
24 "Right, we need to -- let's get to the facts on this."
25 I understand why I am being forwarded the e-mail, okay,

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1 doesn't -- how we worked, it didn't really matter.
 2 Q. Did you have the authority to instruct
 3 Mr. Love to take certain decisions with respect to
 4 accounts in the corporate bank?
 5 A. I could have done, yes. I never had to
 6 instruct, I just suggested or asked.
 7 Q. When you say "organogram", are you talking
 8 about an org. chart?
 9 A. Yes.
 10 Q. Do you know someone named Ben Norrie?
 11 A. Yes, Ben was in Stephen's team at Group.
 12 Q. What about Rob Davies?
 13 A. He was also.
 14 Q. What about Guy Cole?
 15 A. He was in Irvine's team.
 16 Q. Mr. Foster writes:
 17 "We do know the Interpal connection but I had
 18 asked Ben earlier this week to draft a note to you
 19 asking whether we, RBSG, should maintain this
 20 connection, given the risks involved."
 21 Did you know before receiving this e-mail
 22 from Mr. Foster that Mr. Foster had asked Mr. Norrie to
 23 draft a note to CBFM about whether or not the bank
 24 should maintain the Interpal account?
 25 A. I don't recall.

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1 Q. Do you recall any discussions with
 2 Mr. Foster about that issue before the article was
 3 brought to your attention?
 4 A. I recall a number of discussions with
 5 Stephen about Interpal. Whether or not they were before
 6 or after the article, I don't recall.
 7 Q. Do you have an understanding as to what
 8 Mr. Foster meant when he said "given the risks
 9 involved"?
 10 A. I think you would have to ask Stephen. I
 11 don't recall.
 12 Q. You don't recall what your understanding
 13 was when you received this e-mail in December 10 about
 14 what Mr. Foster's reference to "risk involved" was?
 15 A. No.
 16 Q. "Following the Charity Commission
 17 investigation of Interpal last year, we know there is
 18 additional monitoring of account activity, but our own
 19 recent review of outstanding ST issues prompted us to
 20 ask whether (primarily from a reputational viewpoint but
 21 also a risk of breach of terrorism laws) we want to
 22 maintain an account with an organization cited on the
 23 OFAC list as having links to Hamas".
 24 First of all, do you recognize "ST" as
 25 Sanctions in Terrorism?

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1 A. Yes.
 2 Q. And that review of outstanding ST issues,
 3 are you familiar with that review that Mr. Foster is
 4 referring to?
 5 A. I don't recall. I recall that there were
 6 Sanctions in Terrorist Financing issues. Which
 7 Sanctions and Terrorist Financing issues he is referring
 8 to, I don't recall.
 9 Q. Do you recall any particular review of
 10 those issues going on in or about December 2004?
 11 A. I recall that there were at least
 12 quarterly reviews of all sanctions and terrorists
 13 matches, potential matches, any issues arising from any
 14 process, so there were ongoing reviews. I don't recall
 15 a specific review.
 16 Q. When you described that quarterly review,
 17 do you mean the consolidated lists that were sent out
 18 quarterly and matched against the customer list?
 19 A. There were always at least quarterly
 20 searches, if not more frequently, yes. To clarify, what
 21 I am trying to say is it is not as if there was only
 22 ever one time that any issues relating to the Group
 23 Sanctions and Terrorist Financing processes were
 24 considered. It was an ongoing process. It wouldn't
 25 have been prompted by any article. It was something

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1 that was constantly on the team's radar, for want of
 2 a better phrase. Okay?
 3 Q. "Even allowing for the differences between
 4 UK and US approaches to Israel/Palestine issues, and the
 5 general push back against extra-territoriality of US
 6 laws, I suggest as a Group we should look very carefully
 7 at such connections before deciding to continue with
 8 them."
 9 Was there a discussion within the bank at the time
 10 about "push back against the extra-territoriality of US
 11 laws"?
 12 MR. LUFT: Objection, foundation.
 13 A. I have absolutely no recollection of
 14 a discussion across the Group of extra-territoriality.
 15 Q. Do you have any recollection of
 16 a discussion with Mr. Foster about the
 17 extra-territoriality of US laws?
 18 A. I have a recollection of discussions with
 19 Stephen about which regulation and which bits of
 20 legislation applied where.
 21 Q. Does that discussion include the
 22 application of US laws outside of the United States?
 23 A. It would include which parts of the Group
 24 have to comply with which list. I just don't recognize
 25 your phrase extra-territoriality, because I don't -- any

<p>HIGHLY CONFIDENTIAL Page 117</p> <p>1 question?</p> <p>2 A. Yes.</p> <p>3 Q. Putting aside the term "fundraising", were</p> <p>4 you aware in December 2004 of any activities of CBFM</p> <p>5 that were coming under the "OFAC microscope"?</p> <p>6 A. No, no. The activities I was aware of</p> <p>7 CBFM in the US is that it was a very, very large part of</p> <p>8 the CBFM business, and CBFM was the part of the Group</p> <p>9 that operated, apart from Citizens, operated in the US,</p> <p>10 but I was not aware of any fundraising efforts or any</p> <p>11 part of CBFM that would come under the OFAC microscope,</p> <p>12 fundraising or otherwise, no.</p> <p>13 Q. Can you turn to the front page of this</p> <p>14 exhibit please, and do you see your e-mail to Mr. Foster</p> <p>15 and Mr. Love sent at 8:31, or supposedly 8:31 am</p> <p>16 on December 13?</p> <p>17 A. I do.</p> <p>18 Q. You write:</p> <p>19 "From my perspective, I am reassured that we are</p> <p>20 aware of these customers. However, the Group's policy is</p> <p>21 that we will not have customers on the sanctions terrorist</p> <p>22 lists of the Group covering both UK and US terrorist lists."</p> <p>23 What did you mean by that when you -- first of</p> <p>24 all, did you write that on December 13, 2004?</p> <p>25 A. I believe I did, yes.</p>	<p>HIGHLY CONFIDENTIAL Page 119</p> <p>1 appropriate. So if a customer was in the UK it would</p> <p>2 primarily -- it would be covered by the Bank of England,</p> <p>3 the UN and the EU lists, which were a part of the Group</p> <p>4 lists. What that was trying to say is we didn't have</p> <p>5 separate terrorist lists as maintained by individual</p> <p>6 countries. The group had an awareness of what the</p> <p>7 population of terrorist lists the group was exposed to.</p> <p>8 This was designed to make sure that we were not ignorant</p> <p>9 of any name that was on a list across the Group, we as</p> <p>10 a Group team.</p> <p>11 Q. But there was no Group policy that if</p> <p>12 a customer appeared on the OFAC list, that the bank</p> <p>13 would sever relationships with that customer?</p> <p>14 A. Not automatically, unless it was on the</p> <p>15 Bank of England, the UN or EU list, no.</p> <p>16 Q. You continue:</p> <p>17 "This is not a 'Cuba' OFAC issue, as this</p> <p>18 organization is on the terrorist rather than general list."</p> <p>19 A. Yes.</p> <p>20 Q. What did you mean by that?</p> <p>21 A. Operationally, the Group, it was more</p> <p>22 straightforward to search against names than it was</p> <p>23 against countries, if that makes sense. So there were</p> <p>24 parts of the OFAC list -- it also covered FATF as well,</p> <p>25 that if a country was put on the list it was more</p>
<p>HIGHLY CONFIDENTIAL Page 118</p> <p>1 Q. And what did you mean when you wrote that:</p> <p>2 "The Group's policy is that we will not have customers</p> <p>3 on the sanctions terrorists lists of the Group covering</p> <p>4 both UK and US terrorist lists"?</p> <p>5 A. The group terrorist list included or was</p> <p>6 sourced from not just the UK, so the Bank of England</p> <p>7 list, but we also considered EU lists, UN lists and OFAC</p> <p>8 lists as appropriate. It was not a consolidated list,</p> <p>9 a complete amalgum of all the lists. It was just</p> <p>10 sourced from all of those lists. Okay, so --</p> <p>11 Q. But there is a consolidated list that took</p> <p>12 names from the lists that various countries had,</p> <p>13 correct?</p> <p>14 A. Yes, as appropriate.</p> <p>15 Q. And when you wrote that "The Group's</p> <p>16 policy is that we will not have customers on the</p> <p>17 sanctions terrorists lists of the Group covering both UK</p> <p>18 and US terrorist lists", did you mean that there was</p> <p>19 a Group policy that it would not have customers if that</p> <p>20 customer was listed on either the UK or US terrorist</p> <p>21 list?</p> <p>22 A. No. There was a Group list that was</p> <p>23 sourced from UK, US terrorist lists. It doesn't mean</p> <p>24 that it was one list that covered the entire Group.</p> <p>25 That is what I meant by it covered the Group as</p>	<p>HIGHLY CONFIDENTIAL Page 120</p> <p>1 operationally difficult. It didn't mean the Group</p> <p>2 didn't do it, it was just more operationally difficult</p> <p>3 to search against countries than it was against</p> <p>4 customers, because the records of the bank were held by</p> <p>5 customer name.</p> <p>6 Q. Okay. You continue to say:</p> <p>7 "However, my understanding is that it is not a cut</p> <p>8 and dried case either, due to the different stance towards</p> <p>9 the Palestinian issue between the US and the UK."</p> <p>10 What did you mean by the different stance towards</p> <p>11 the Palestinian issue between the US and the UK?</p> <p>12 A. I was concerned that it was -- one of the</p> <p>13 other things I was responsible for was reputational risk</p> <p>14 comes under Enterprise Risk, so the bank could still</p> <p>15 suffer damage if there was any reputational issue, and</p> <p>16 that is what I was talking about in terms of CBFM and</p> <p>17 the US. CBFM was expanding in the US and I was very</p> <p>18 mindful that the Group didn't want to take any action</p> <p>19 that could have been parochially compliant in the UK but</p> <p>20 would have been commercially damaging to the US</p> <p>21 operations. This was nothing to do with the zero</p> <p>22 tolerance for not complying with regulation or</p> <p>23 legislation. It was a wider remit: how could the bank</p> <p>24 suffer reputational damage?</p> <p>25 Q. And what did you mean by "different stance</p>

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1 taken by the business.
 2 Q. By the Board?
 3 A. By the Board.
 4 Q. Only the Board could authorize exits of
 5 relationships, as far as you recall?
 6 A. I don't recall the detail but it is not
 7 the Risk function.
 8 Q. You write:
 9 "What is the rationale for not exiting this
 10 relationship, given there is a match with the Group's
 11 lists."
 12 What did you mean by that?
 13 A. I wanted CBFM, the CBFM Board to tell me
 14 why were they not exiting the relationship.
 15 Q. And did the CBFM Board tell you that?
 16 A. I don't recall. I don't recall whether or
 17 not they did. I certainly had that question answered by
 18 the work that Irvine's team did in terms of from
 19 a Sanctions and Terrorist Financing perspective, there
 20 was no evidence that they could find that Interpal was
 21 funding terrorism.
 22 Now, CBFM could have still taken the decision to
 23 exit, but on the basis of Sanctions and Terrorist Financing
 24 there was no evidence we found for me to say: "You must exit
 25 this relationship now."

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1 Q. Did you have the authority to tell CBFM
 2 that they had to exit the relationship if you felt that
 3 it was necessary to protect the bank's interests?
 4 A. I don't know whether I had the authority
 5 or not, but I would have done.
 6 Q. From while you were in your position as
 7 chief of Group Enterprise Risk, did you ever tell
 8 a division that they had to exit a particular
 9 relationship with a customer?
 10 A. No, I didn't.
 11 Q. When you talk about a match with the
 12 Group's lists, are you referring to the consolidated
 13 list from the various governmental bodies?
 14 A. Yes.
 15 Q. "What steps are being taken to manage the
 16 situation, e.g extra monitoring in the interim while
 17 this decision is being taken." When you say "e.g extra
 18 monitoring", what did you mean by that?
 19 A. I wanted to know what CBFM were doing
 20 above and beyond what the minimum regulatory
 21 requirements were, because Interpal was not on the Bank
 22 of England list, but I didn't want them to be complacent
 23 and take no action. So, from memory, Irvine's team were
 24 actually having a look at actually what was going on in
 25 the account, so who the payees were. I didn't want CBFM

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1 to sit back and do nothing whilst this decision was
 2 taken, because if for a minute the situation changed and
 3 evidence was found that terrorism was being funded, then
 4 I wouldn't have waited for a decision. If I could
 5 have -- I never had to but I could have escalated this
 6 all the way up to the RBS Group Board. I could have
 7 taken it straight up to Fred, or to the authorities, not
 8 that I ever had to but I could have done.
 9 Q. You had the option of bringing items of
 10 concern directly to the Group Board?
 11 A. Yes. If you look at the organization
 12 chart I had a dotted reporting line directly up to Sir
 13 Fred.
 14 Q. And your testimony is that if there was
 15 any evidence that the bank's customer, Interpal,
 16 supported terrorism, that is what you would have done?
 17 A. If it had been shown to me, then yes. If
 18 I had become aware of it, I would have done, yes.
 19 Q. And you didn't do that, correct?
 20 A. Not that I recall, no, I didn't.
 21 Q. And is your testimony that the reason you
 22 didn't do that because you never were shown any evidence
 23 at all that Interpal was supporting terrorism?
 24 MR. LUFT: Objection, misstates her prior
 25 testimony.

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1 A. I don't recall ever being shown evidence
 2 that Interpal was funding terrorism.
 3 Q. When you write about "e.g extra
 4 monitoring" here, did you have in mind -- and tell me if
 5 you understand my question -- proactive monitoring or
 6 retrospective review of payments?
 7 A. The monitoring was done at the time, so as
 8 far as I recall it was proactive monitoring.
 9 Q. So it was before transactions were
 10 actually executed, looking at who they were going to?
 11 A. I don't recall whether it was before the
 12 transactions in terms of releasing funds or afterwards.
 13 I meant in terms of -- I was not aware whether or not
 14 the team went and trawled through the past 10 years or
 15 whether they were just looking at the transactions that
 16 were going through. I don't recall exactly.
 17 Q. Did the bank have the ability before it
 18 actually executed transactions that Interpal requested
 19 to check out the counterparty?
 20 MR. LUFT: Objection, foundation.
 21 A. I don't recall. In CBFM, I don't recall.
 22 Q. Next thing you write is:
 23 "What is the regulatory position, given our
 24 increased presence in the US and the formation of the new US
 25 organization structure".

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1 Bank of England's decision as to whether or not the
 2 account is frozen or closed or whatever.
 3 Q. Do you recall any occasions where the bank
 4 had a customer that was listed on the Bank of England
 5 list but the Bank of England did not require closure of
 6 that account?
 7 A. Not off the top of my head. I know of
 8 accounts which were frozen but not closed, on the
 9 instruction of the Bank of England.
 10 Q. And those were accounts of persons or
 11 organizations who were on the Bank of England list at
 12 the time?
 13 A. As far as I recall, yes, because if there
 14 were funds in an account, and they were on the sanctions
 15 list, you couldn't close the account and transfer the
 16 money somewhere else because then you would be accused
 17 of transferring funds. So what you had to do was freeze it
 18 and treat it as client money and await instruction as to
 19 what to do with it.
 20 Q. Do you recall on any of those occasions
 21 after freezing the accounts on directions from the Bank
 22 of England that the Bank of England subsequently allowed
 23 the bank to unfreeze funds and make them available to
 24 the account holder?
 25 A. I don't recall.

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1 Q. Were the Interpal accounts still open when
 2 you left the bank in 2006?
 3 A. I don't recall, but then I don't recall
 4 them being closed.
 5 Q. What would have been sufficient to
 6 persuade you in 2005, short of a listing on the Bank of
 7 England list, that Interpal was supporting terrorists
 8 and the bank should stop doing business with them?
 9 MR. LUFT: Objection, foundation.
 10 A. It comes back again to -- you are asking
 11 me to speculate on a time that -- I can only answer your
 12 question by saying if I had had a genuine suspicion that
 13 Interpal had been funding terrorism from the information
 14 that had been provided to me, you would have had very,
 15 very clear e-mails, memos to Johnnie, to Fred, to
 16 potentially the Bank of England, it doesn't really
 17 matter who, saying "I think this relationship, the bank
 18 has got to exit this relationship".
 19 I don't know whether it has come out from today
 20 but I am not one to actually be quiet if I think something
 21 needs to be done, you know. There was a reason why I had
 22 a nickname the "Angel of Death". If I needed it to be
 23 raised, it would have been raised.
 24 Q. So is it then fair to say that at the time
 25 that you were Head of Group Enterprise Risk at RBS -- I

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1 want to get your phrasing right -- you never had any
 2 genuine suspicion that Interpal had been funding
 3 terrorism?
 4 A. Not cast-iron fact, no. No, I didn't. I
 5 didn't have anything that would have caused me to say
 6 the bank needs to go to the Bank of England and say:
 7 "This customer, you need to freeze this account." There
 8 were discussions with the Bank of England as well, so
 9 I could have gone to the Bank of England and said "You
 10 need to put this organization on your Bank of England
 11 list for these reasons", and that was what part of the
 12 whole Sanctions and Terrorist Financing process was
 13 designed to enable the bank to do. If I had really
 14 thought there was a real issue there I would have raised
 15 it. I was going to say, with anyone who would listen,
 16 probably with a lot of people who didn't want to, but
 17 I would have raised it.
 18 Q. Did you think the standard for deciding to
 19 end a relationship with a customer was that you needed
 20 cast-iron facts that they were funding terrorism?
 21 MR. LUFT: Objection, misstates her prior
 22 testimony.
 23 A. I felt that I needed evidence. Whether or
 24 not you call that "cast-iron facts". I felt I needed
 25 evidence that wouldn't have been subjected to -- it was

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1 not that it wouldn't have been subjected to challenge.
 2 In the job I did you expected challenge -- I was going
 3 to say every day of the week, several times a day. I
 4 had to feel comfortable standing in front of the people
 5 who were going to challenge saying "I absolutely believe
 6 we have irrefutable evidence here, that means we are not
 7 subject to any particular vested interest that this
 8 organization is funding terrorism". I applied exactly
 9 the same standard to any of the customers, not just
 10 Interpal. For any of them, whether it was an unpleasant
 11 UK political party or not, you know, you had to.
 12 Q. You have unpleasant political parties
 13 here?
 14 A. In my personal view, yes, but my personal
 15 view might not be somebody else's personal view. That
 16 was the whole reason why we tried to be as rigorous as
 17 we could, because you had the whole spectrum of personal
 18 views within the Group.
 19 Q. Okay. But it is fair to say that in the
 20 time that you were at the bank you didn't feel that you
 21 had enough evidence to recommend that the bank stop
 22 providing services to Interpal?
 23 A. I didn't have that information, yes.
 24 Q. I just want to ask you about one part of
 25 this e-mail chain which you are not copied on. I know

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1 Q. And Mr. Goelman read you from portions of
 2 this paragraph, correct?
 3 A. He did.
 4 Q. Now, Ms Holt, if Guy Cole determined an
 5 allegation regarding Interpal was unreliable, would you
 6 have expected that allegation to be passed along to
 7 senior management?
 8 MR. GOELMAN: Objection to form and leading.
 9 A. If I have asked somebody to do an
 10 investigation, or to do a piece of work, I don't expect
 11 to have a complete rundown of "I did this, I did this,
 12 I did this, I then decided this was not relevant". What
 13 I am looking for is a summary of the relevant matters,
 14 the relevant facts. So if Guy had actually looked at
 15 Worldcheck, he had found something that was on
 16 Worldcheck but he had found that the Worldcheck results
 17 were unreliable, I would not have expected him to have
 18 included that in a briefing. In fact, it probably would
 19 have been unhelpful to include information that was not
 20 only not relevant but was actually misleading.
 21 Q. Ms Holt, your position was the Head of
 22 Group Enterprise Risk?
 23 A. That is correct.
 24 Q. As the Head of Group Enterprise Risk, in
 25 your experience, if the bank believed Interpal was

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1 funding terrorism, would the potential of negative media
 2 attention from exiting have affected the bank's decision
 3 as to whether to close the account?
 4 MR. GOELMAN: Objection to the leading.
 5 A. I have no evidence to support this but
 6 I never saw any evidence of the bank putting
 7 reputational considerations above full compliance with
 8 legal and regulatory requirements, so no, they would
 9 never have actually said: "Well, on balance, we will not
 10 comply because of the regulatory damage", and what is
 11 more I certainly would not have either, and that was my
 12 job as Group Head of Enterprise Risk.
 13 Q. Based on your experience at RBS, if
 14 NatWest believed that Interpal was funding terrorism,
 15 would they have kept NatWest on as a client?
 16 MR. GOELMAN: Objection to form and to
 17 leading.
 18 A. Could you say the question again?
 19 Q. Sure. Based on your experience at RBS, if
 20 NatWest believed that Interpal was funding terrorism,
 21 would they have kept NatWest on as a client?
 22 A. Would they have kept --
 23 THE EXAMINER: Keep who?
 24 MR. GOELMAN: Same objections.
 25 A. NatWest was not a client of RBS.

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1 MR. LUFT: Sure, let me clarify. I am sorry.
 2 If the bank, and by the bank I mean NatWest and the
 3 entity that owns it, RBS, if the bank believed that
 4 Interpal was funding terrorism, would they have kept
 5 NatWest -- excuse me -- would they have kept Interpal on
 6 as a client?
 7 THE EXAMINER: Yes, you were saying NatWest
 8 which was causing the confusion.
 9 A. No, they wouldn't have. I don't -- well,
 10 I have no evidence to prove this but no, I absolutely
 11 believe they would not have. This is the last time I am
 12 going to say this but, you know, for what its worth,
 13 there is absolutely no way that I would let my job turn
 14 me into a person that I despised, because I am the one
 15 person I cannot escape from so, for what its worth, if I
 16 thought they were funding terrorism, it would have been
 17 very hard not to exit. I would not have kept quiet.
 18 Q. Let me ask you, did you ever believe that
 19 Interpal was sending money to Hamas?
 20 A. No, I didn't.
 21 Q. Were you ever told by people at the bank
 22 that someone at the bank believed that Interpal was
 23 sending money to Hamas?
 24 MR. GOELMAN: Objection to form and to
 25 leading.

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1 A. Nobody at the bank gave me any evidence
 2 that Interpal was paying funds, passing funds to Hamas.
 3 Nobody actually who was close and who had done the
 4 detailed work came to me and said "Look, Amanda, we
 5 cannot find the evidence but really, we believe this is
 6 what they are doing." In fact, they told me completely
 7 the opposite. Also, if somebody had come to me and
 8 said: "Look, we cannot prove it but all of the
 9 circumstantial evidence makes this really smell, this is
 10 not good. We really believe that Interpal is funding
 11 Hamas," there would have been a clear recommendation to
 12 exit, not from reputational grounds, purely because
 13 there was a really strong and clear and inconclusive
 14 suspicion that Interpal was funding terrorism, but
 15 nobody ever came to me with that.
 16 Q. Did you and the people that reported to
 17 you ever make a decision not to investigate Interpal so
 18 as to avoid gaining knowledge of whether Interpal was
 19 sending money to terrorists?
 20 MR. GOELMAN: Objection to form, leading.
 21 A. As far as I was concerned, my tenure at
 22 the bank, I spent an inordinate effort making sure that
 23 we had no ostriches with their heads in the sand.
 24 Ignorance is not bliss. So you had to have as far as
 25 possible the full information in front of you to make

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1 the decision. Looking the other way was just not an
2 option, for whatever grounds, reputational, commercial
3 or whatever grounds.
4 MR. LUFT: I have no further questions.
5 RE-DIRECT EXAMINATION BY MR. GOELMAN:
6 MR. GOELMAN: I have just one thing I want to
7 follow up on. At the beginning of the questioning by
8 the lawyer for yourself and the bank, you testified that
9 you would not consider unsubstantiated allegations
10 sufficient to exit a relationship.
11 A. No.
12 Q. Is that right?
13 A. That is right.
14 Q. Did you consider the listing of an
15 organization by the United States Department of Treasury
16 as a specially designated global terrorist to be an
17 unsubstantiated allegation?
18 A. No, I didn't consider it to be
19 unsubstantiated, and I didn't ignore it, but it was one
20 of the many pieces of information that we factored in to
21 make our own decision. I believe I deliberately didn't
22 ignore that, which is one of the reasons why I didn't,
23 from memory, insisted that all of the OFAC lists were
24 included in the group lists, and we had to get clarity
25 as to how they were going to be treated, so that it

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1 couldn't look the other way, that it had to be
2 considered. I would not -- would never completely
3 dismiss it.
4 Q. But at no point during your tenure at the
5 bank did you personally develop the suspicion that
6 Interpal was funding Hamas?
7 A. Not on the basis of the information that I
8 had been given.
9 MR. GOELMAN: Thank you.
10 THE EXAMINER: Has everyone asked all the
11 questions they require. Thank you very much, Ms Holt,
12 for giving your evidence through a long day, and thank
13 you for assisting the American court and the trial judge
14 and the English court. That completes the deposition
15 today and, counsel, thank you very much for your
16 efficient conduct of the examination through the day.
17 MR. GOELMAN: And thank you.
18 MR. LUFT: Absolutely, thank you very much.
19 THE VIDEOGRAPHER: End of tape four, volume
20 one in the video deposition of Ms Amanda Holt. We are
21 going off the record at 5:30 pm.
22
23
24
25

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1
2 CERTIFICATE OF DEPONENT
3
4 I, Amanda Holt, hereby certify that I have read the
5 foregoing pages, numbered 1 through 233, of my
6 deposition of testimony taken in these proceedings on 23
7 July, 2010, and, with the exception of the changes
8 listed on the next page and/or corrections, if any, find
9 them to be a true and accurate transcription thereof.
10
11 Signed:
12 Name: Amanda Holt
13 Date:
14
15
16
17
18
19
20
21
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23
24
25

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1
2 CERTIFICATE OF COURT REPORTER
3
4 I, AILSA WILLIAMS, an Accredited LiveNote Reporter with
5 European Deposition Services, London, England, hereby
6 certify that the testimony of the witness Amanda Holt in
7 the foregoing transcript, numbered pages 1 through 233,
8 taken on 23 July, 2010 was recorded by me in machine
9 shorthand and was thereafter transcribed by me; and that
10 the foregoing transcript is a true and accurate verbatim
11 record of the said testimony.
12
13 I further certify that I am not a relative, employee,
14 counsel or financially involved with any of the parties
15 to the within cause, nor am I an employee or relative of
16 any counsel for the parties, nor am I in any way
17 interested in the outcome of the within cause.
18
19 Signed:
20 AILSA WILLIAMS
21 Dated:
22
23
24
25

EXHIBIT 34 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

SONIA GAYLE

Vol. 1

October 27, 2010

European Deposition Services

59 Chesson Road

London W149QS

England

United Kingdom

Original File Sonia Gayle - 27 Oct 2010.txt

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1 THE VIDEOGRAPHER: This is the beginning of
2 tape one, volume one in the deposition of Sonia Gayle,
3 taken on 27 October, 2010, at 2:07 pm, as indicated on
4 the video screen.

5 This deposition is being taken in the matter
6 of Tzvi Weiss, plaintiffs, versus National Westminster
7 Bank, civil action number 05cv4622(DGT)(MDG). This
8 deposition is in the matter of Natan Applebaum, et al
9 versus National Westminster bank. This deposition is
10 taking place both at the offices of Cleary Gottlieb
11 Steen and Hamilton, London, England, and video
12 conference in Cleary Gottlieb's office in Washington DC.

13 The videographer is Simon Rutson, the court
14 reporter is Ailsa Williams of European Deposition
15 Services.

16 Would counsel and the Examiner please
17 introduce themselves.

18 THE EXAMINER: We will start this end. I am
19 Adrian Hughes QC, the Court Examiner. Can I ask
20 everyone present in the London office to introduce
21 themselves, please.

22 MR. BLACKMAN: Jonathan Blackman, Cleary
23 Gottlieb, Steen and Hamilton, representing NatWest and
24 representing Ms Gayle.

25 MS GILLETT: Fiona Gillett from Stewarts Law

Page 9

1 undertaking consumer research on financial services
 2 related behavioural analysis.
 3 Q. Would it be accurate to say that that work
 4 was related to individuals as opposed to entities?
 5 A. I am sorry, could you just elaborate?
 6 Q. As policy manager for consumer research,
 7 is it accurate to say that that policy was focused on
 8 individuals as opposed to entities or corporations?
 9 A. Well, the research was conducted for the
 10 regulator, so it was not for a specific firm, it was not
 11 for any specific individuals. It was effectively
 12 research conducted for a regulatory authority, and that
 13 research is in the public domain.
 14 Q. Can you tell me briefly when you left FSA
 15 in approximately the end of 2004, where did you go next?
 16 A. I then joined Barclays Bank.
 17 Q. Are you still with Barclays today?
 18 A. Yes.
 19 Q. What job title or titles have you had with
 20 Barclays?
 21 A. When in my initial engagement with
 22 Barclays I was engaged as a program director, reporting
 23 to the compliance director for retail bank.
 24 Q. And you said in your initial engagement.
 25 Did you have a period of time where you left Barclays?

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1 A. Yes.
 2 Q. What did you do during that period of
 3 time?
 4 A. The initial engagement was for nine to ten
 5 months, and then after that I joined Ernst & Young.
 6 Q. And that would have been some time perhaps
 7 in late 2005, is that correct?
 8 A. Yes, I would need to be precise on the
 9 dates, but that sounds about right.
 10 Q. How long did you stay at Ernst & Young?
 11 A. I left Ernst & Young in March 2010 this
 12 year.
 13 Q. And you went back to Barclays?
 14 A. That is correct, yes.
 15 Q. First of all, what is your current title
 16 at Barclays?
 17 A. Director of Compliance.
 18 Q. And what title did you have at Barclays?
 19 A. Sorry, is that the same question? Did
 20 I mishear?
 21 Q. I am sorry, no, I misspoke. What title
 22 did you have at Ernst & Young?
 23 A. My title at Ernst & Young was Senior
 24 Regulatory Manager.
 25 Q. When did you first join NatWest?

Page 11

1 A. I joined just after 9/11, which would have
 2 been September, 2001.
 3 Q. What was your title when you joined?
 4 A. I was the Head of Group Regulatory Policy.
 5 Q. Where were you working before you joined
 6 NatWest?
 7 A. Arthur Andersen.
 8 Q. Arthur Andersen, and what position did you
 9 have at Arthur Andersen?
 10 A. Regulatory Manager.
 11 Q. Covering what issues?
 12 A. The focus was on retail banking and all
 13 matters that would fall within the remit of compliance,
 14 as defined by the FSA.
 15 Q. So that the regulatory structure in which
 16 you were ensuring compliance was the Financial Services
 17 Authority, is that correct?
 18 A. That is correct.
 19 Q. And in any particular aspects of the FSA?
 20 A. Focusing primarily on conduct of business
 21 issues, so that would be on financial promotions, firms'
 22 engagement with retail customers, product development
 23 and marketing, regulatory reporting, and all other
 24 matters pertaining to the compliance prove person
 25 function.

Page 12

1 Q. How long were you employed by Arthur
 2 Andersen?
 3 A. Just over 18 months.
 4 Q. During your time with Arthur Andersen, did
 5 you address any money laundering or terror financing
 6 issues?
 7 A. Yes, that was part of our training, so we
 8 would cover anti-money laundering at that time, which
 9 would primarily focusing on banks take on of customers,
 10 so around "Know Your Customer" policies and procedures,
 11 recordkeeping, due diligence.
 12 Q. In terms of the regulatory obligations of
 13 banks pertaining to money laundering and terror
 14 financing, while you were at Arthur Andersen, was the
 15 Financial Services Authority your guide for handling
 16 those responsibilities?
 17 A. Well, obviously, yes, the Financial
 18 Services Authority, and also we would be guided by the
 19 Joint Money Laundering Steering Group as well, who set
 20 the protocols in terms of anti-money laundering
 21 compliance and broader financial crime matters, and of
 22 course you have fraud considerations as well.
 23 Q. Besides the Financial Services Authority
 24 and the Joint Money Laundering Steering Group, any other
 25 authorities that were guiding the job that you were

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1 Investigations & Fraud. The Group Money Laundering
 2 Reporting Officer, which was David Swanney, and
 3 subsequently Richard Gossage, over the course of 2002,
 4 would support that decision, but that decision would be
 5 made by not one individual. It would be a number of
 6 individuals, as the appropriate checks and balances.
 7 Q. I believe you described it as it is
 8 a decision that the business division would implement as
 9 opposed to making the decision itself. Is that an
 10 accurate characterization?
 11 A. The decision to close the account, the
 12 instruction would come from the relevant regulatory
 13 authority or indeed as directed. So if the instruction
 14 from NCIS or the Bank of England or the FSA is the
 15 account be closed, then the account will be closed.
 16 There is no -- you know, the bank, the instruction would
 17 be quite clear in terms of the response to the MLRO.
 18 Q. Do you recall the bank closing any
 19 accounts during the 2-year period you worked there on
 20 suspicions that a customer was engaged in terrorist
 21 financing.
 22 MR. BLACKMAN: Objection to form, vague. Do
 23 you mean because of an instruction? Do you mean
 24 otherwise?
 25 MR. ISRAEL: No. I just mean any accounts

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1 that were closed during the 2-year period you worked at
 2 the bank, because the bank suspected that a customer was
 3 engaged in terror financing.
 4 A. I don't know.
 5 Q. You don't recall any examples?
 6 A. Not specific examples, no.
 7 Q. Do you recall that that happened, though?
 8 A. I recall that accounts were closed.
 9 Whether they were closed for that reason I cannot say.
 10 Q. You mean you recall that accounts were
 11 closed pertaining to terrorist financing, you just
 12 cannot recall the reason, or you recall just generally
 13 accounts were closed by the bank?
 14 A. Yes, the latter. I recall that accounts
 15 were closed, but the basis for closures I don't know.
 16 Q. Can I ask Ms Williams to hand you NW80
 17 through 81.
 18 (Exhibit Gayle 3 marked for identification)
 19 Ms Gayle, do you have any recollection of having
 20 seen either of these process charts before?
 21 A. I recollect seeing process charts but
 22 whether it was these, I can't confirm.
 23 Q. Okay. With regards to Group Compliance
 24 Department, two arrows are drawn on the bottom, one of
 25 which states on the left: "Makes decisions in

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1 consultation with CEO/6POC on the termination of
 2 relationships following appropriate advice from Group
 3 Legal." The other states: "Makes decisions in
 4 consultation with UK relevant authority on the freezing
 5 of accounts following appropriate advice from Group
 6 Legal". Do you see where I am talking about?
 7 A. Is that the first page, the two boxes?
 8 Q. Yes. To my knowledge, these documents
 9 were produced consecutively. They are undated but they
 10 appear to be identical in language, but I am
 11 specifically reading off the first page, NW80.
 12 A. Okay.
 13 Q. During the two years you were in the --
 14 strike that. During your period of time in the Group
 15 Compliance Department, do you recall your department --
 16 MR. BLACKMAN: The documents in fact are not
 17 identical, but go on.
 18 MR. ISRAEL: I should say that I believe the
 19 language I am reading is identical.
 20 MR. BLACKMAN: That appears to be correct.
 21 MR. ISRAEL: Okay. Ms Gayle, during the
 22 period of time in which you were Head of Policy for
 23 Group Compliance Department, do you recall Group
 24 Compliance having the responsibility for making both of
 25 those decisions?

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1 A. I would have to say no.
 2 Q. Do you recall any other department within
 3 the bank having responsibility for making those
 4 decisions?
 5 A. My recollection is that there was not one
 6 single department that would make that decision.
 7 Q. Do you recall Group Compliance being
 8 a part of making that decision?
 9 A. Yes.
 10 Q. Do you recall the business divisions being
 11 a part of making those decisions?
 12 A. Yes, as they would be --
 13 THE EXAMINER: Sorry, can you let the witness
 14 finish. She was just in the middle of giving the
 15 answer.
 16 Q. Absolutely.
 17 A. Yes, because the decision or the request
 18 would come via the business, so they would be party to
 19 those discussions.
 20 Q. As Head of Policy, were you informed when
 21 a transaction was blocked for any reason?
 22 A. Can you elaborate?
 23 Q. Sure. For instance, if a transaction
 24 involving either a customer -- involving either
 25 a transacting party or beneficiary of the bank was

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1 money laundering related, it could relate to a name
 2 match.
 3 Q. From a policy standpoint, other than
 4 notifying parties, did you expect any investigation of
 5 the customer to be undertaken within the bank?
 6 A. Could you clarify, when you refer to
 7 "investigation"?
 8 Q. All I am asking, understanding you were
 9 Head of Policy, was there any policy that guided the
 10 bank what if any investigation it needed to conduct on
 11 that customer, if they appeared on a suspected terrorist
 12 list?
 13 A. Sorry, I have lost the thread of that
 14 question. My apologies.
 15 Q. What you have told me is that your
 16 recollection is if there was a positive match there were
 17 a number of parties who needed to be notified about the
 18 possibility of the match. What I am asking you is,
 19 other than reporting that suspicion to the authorities,
 20 did any part of the bank have the responsibility to do
 21 anything further with regards to that customer?
 22 A. I don't know. It would depend on the
 23 nature of the report and the nature of the suspicion.
 24 Q. So a further investigation of that
 25 customer and their transactional history was not

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1 automatically required, simply because there was a name
 2 match?
 3 A. I don't know. It may have been required.
 4 I simply cannot remember that level of detail.
 5 MR. BLACKMAN: Don't guess.
 6 A. So in short I don't know.
 7 Q. But at least based on this numbered item
 8 5, it was Group Compliance who advised the business
 9 divisions of any further actions that needed to be taken
 10 with regards to that customer, correct?
 11 A. This is what is written here, but I don't
 12 know whether this is a literal interpretation. It may
 13 have moved on from then. From what I have seen there
 14 were other parties involved.
 15 Q. So you are not sure whether or not this
 16 statement is correct, is that right.
 17 A. I can't recollect if this was applicable
 18 throughout the timeframe, so if this is an accurate
 19 document, depending on whether or not this was
 20 a standard template, and I don't know, I can't remember.
 21 As I said, I don't recollect many of these going out.
 22 This may be the only one that went out in my name, so I
 23 am really not familiar with the underlying detail.
 24 Q. Okay. Let me ask the court reporter to
 25 mark for you NW14013.

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1 (Exhibit Gayle 6 marked for identification)
 2 A. Okay.
 3 Q. Ms Gayle, do you have any recollection of
 4 having seen this e-mail and attachment?
 5 A. No.
 6 Q. I am correct that on the September 22,
 7 2003 e-mail, you are one of the names in the "To" line,
 8 correct?
 9 A. My name is noted, yes.
 10 Q. Do you recall receiving Significant Case
 11 Commentaries on Money Laundering during your time with
 12 the bank?
 13 A. Is that the title of this document?
 14 Q. It is?
 15 A. It looks familiar.
 16 Q. You don't recall this specific case
 17 commentary, correct?
 18 A. Correct.
 19 Q. If you look on NW114019.
 20 A. Yes.
 21 Q. It discusses a customer named: "The
 22 Palestinian Relief and Development Fund". Do you see
 23 that?
 24 A. Yes, I see that.
 25 Q. Are you familiar with a one time customer

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1 of the bank's named the Palestinian Relief and
 2 Development Fund?
 3 A. Not based on this list, no.
 4 Q. Do you recall the bank having a customer
 5 named Interpal?
 6 A. Not at the time, no.
 7 Q. When did you first hear that the bank had
 8 a customer named Interpal?
 9 A. When I received these papers.
 10 Q. With regards to this deposition?
 11 A. Yes.
 12 Q. You were with the bank at least as of
 13 late September 2003, correct?
 14 A. Yes.
 15 Q. Do you recall ever being advised that
 16 a customer of the bank had been designated by OFAC in
 17 the US as a Specially Designated Global Terrorist?
 18 A. Who are we referring to?
 19 Q. I am referring to do you ever recall that
 20 happening, period?
 21 A. Sorry, could you repeat the question?
 22 Q. Sure. Do you recall during the two years
 23 you were with NatWest learning that a customer of the
 24 bank had been designated by OFAC in the United States as
 25 a Specially Designated Global Terrorist?

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1 A. No.
 2 Q. Do you recall ever being advised that
 3 a customer of the bank had been designated by OFAC as
 4 a terrorist, period?
 5 A. No.
 6 Q. Is that something you would have expected
 7 to have been told?
 8 MR. BLACKMAN: Objection to form, calls for
 9 speculation.
 10 A. Over what period?
 11 Q. In the period you were at the bank.
 12 A. I can't comment. As I have explained, my
 13 involvement here would have been in the early part,
 14 during 2001, and many of these responsibilities would
 15 have been transferred to Group Risk.
 16 Q. Was it your practice to read these
 17 Significant Case Commentaries when they arrived?
 18 A. Yes, I would have scanned them.
 19 Q. Can the court reporter hand Ms Gayle
 20 Exhibit 7, which is NW12925.
 21 (Exhibit Gayle 7 marked for identification)
 22 A. Okay.
 23 Q. Do you have any recollection of this
 24 e-mail and attached document, Ms Gayle?
 25 A. No.

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1 Q. Were you always included on sanctions and
 2 terrorist financing search requests sent out during your
 3 time with the bank, to your recollection?
 4 A. Some items I was cc'd on, but there would
 5 have been other materials that would not have been sent
 6 to me.
 7 Q. Was it your practice to review RBS Group
 8 search requests on sanctions in terrorist financing when
 9 you received it?
 10 A. I would read all documentation sent to me,
 11 but unless something was marked specifically for my
 12 action --
 13 Q. Okay. You see on the second page of the
 14 document, NW12926, that an entity named Interpal with
 15 other AKA's was designated by OFAC as a Specially
 16 Designated Global Terrorist. Do you see that?
 17 MR. BLACKMAN: "SDGT", anyway.
 18 MR. ISRAEL: Do you know what an SDGT is,
 19 Ms Gayle?
 20 A. Sorry, what am I looking at?
 21 MR. BLACKMAN: The second page.
 22 A. I am not familiar with this document.
 23 Q. Do you know what an SDGT is?
 24 A. Off the top of my head, I don't recall.
 25 Q. If I tell you it is a Specially Designated

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1 Global Terrorist, does that refresh your recollection?
 2 MR. BLACKMAN: You have to answer verbally.
 3 MR. ISRAEL: I am sorry, I could not see you.
 4 A. I am sorry, I am struggling to understand
 5 the question. Are you asking me if I --
 6 Q. I am asking, if I tell you an SDGT is
 7 a Specially Designated Global Terrorist, does that
 8 refresh your recollection?
 9 A. My recollection of what?
 10 Q. Of what an SDGT is?
 11 A. You have just told me what it is. Sorry,
 12 am I missing your question?
 13 Q. We will move on. Again, you don't recall
 14 any customer of the bank having been designated by OFAC
 15 in the United States, correct?
 16 A. Not to my knowledge.
 17 Q. As Head of Policy with Group Compliance
 18 and then Group Risk Management, how was the bank
 19 supposed to handle a customer that had been designated
 20 by OFAC as a terrorist?
 21 MR. BLACKMAN: Objection, lack of foundation.
 22 A. I would expect it to be handled in
 23 accordance with the bank's requirements as stated in
 24 policy.
 25 Q. Do you recall what those requirements

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1 were?
 2 A. Not in detail, no.
 3 Q. Do you recall being involved in helping to
 4 draft or formulate those policies?
 5 A. On my arrival to the bank,
 6 in September 2001, I would have been part of the group
 7 who would have reviewed the existing policies with
 8 a view to shaping those to reflect the changing
 9 requirements at that time, but those responsibilities
 10 and the team subsequently transferred from me during the
 11 course of 2002.
 12 Q. Ms Gayle, have you heard of the UK Charity
 13 Commission?
 14 A. I am aware of them.
 15 Q. Do you know what they are?
 16 A. I don't know --
 17 Q. They are a commission. Do you know what
 18 they do?
 19 A. I assume they approve charities but I am
 20 not familiar with the organization personally.
 21 Q. So you don't know what authority they
 22 have?
 23 A. In terms of the details of the scope of
 24 their authorities, no.
 25 Q. Okay. Do you ever recall during your

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1 Q. With regards to either the Woolspur Group
 2 or the Basle Committee, do you specifically recall
 3 taking into account any of their guidance with regards
 4 to terrorist financing when you were involved in
 5 preparing NatWest policies?
 6 A. I don't know.
 7 Q. Let me have the court reporter hand you
 8 214836, which is Exhibit 8.
 9 (Exhibit Gayle 8 marked for identification).
 10 Do you recall having received this e-mail and
 11 attachment, Ms Gayle?
 12 A. No, I don't recollect this specifically.
 13 Q. Do you recall after September 11, 2001,
 14 receiving lists of names to check on the potential
 15 connections to Osama Bin Laden?
 16 A. Sorry, could you elaborate on that
 17 question?
 18 Q. Do you recall after September 11, 2001,
 19 investigating whether any customers of the bank had
 20 potential links or connections to Osama Bin Laden?
 21 A. No.
 22 Q. Okay. Do you recall then whether or not
 23 any searches were done, regardless of whether or not
 24 those entities appeared on a governmental list -- let me
 25 short circuit this. If you look at the third paragraph

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1 of Ms Baugh's e-mail, it says:
 2 "These details were compiled mainly from
 3 information found on the Internet and in various press
 4 searches. It is therefore difficult at this point to assess
 5 the reliability of the information."
 6 So my question is do you recall searches being
 7 done of entities or individuals because internet research,
 8 as opposed to lists from governments, had turned up possible
 9 connections?
 10 A. Sorry, are you asking me ...
 11 Q. I am asking you if after September 11 you
 12 recall the bank searching its customers to determine if
 13 any had possible links to Osama Bin Laden, based on
 14 Internet research that had revealed these possible
 15 connections?
 16 MR. BLACKMAN: Objection to form.
 17 A. I can only comment in the context of what
 18 the policy requirements were at that time. Of course,
 19 I also made reference to politically exposed persons, so
 20 the bank would use information sources from various
 21 areas to identify, so suspected persons were not just
 22 suspected terrorists but it could also include
 23 politically exposed persons. But again the policy and
 24 the underlying protocols around the searches would
 25 specify the detail of that.

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1 Q. Do you recall, did the policy require an
 2 individual to appear on a list of suspected terrorists
 3 or politically exposed persons in order for the bank to
 4 research and determine if that individual was
 5 a customer? In other words, could the bank search for
 6 names beyond those that were included on governmental
 7 lists of suspected terrorists or politically exposed
 8 persons?
 9 MR. BLACKMAN: Objection to form, lack of
 10 foundation.
 11 A. The requirements around searching and also
 12 in terms of account opening, Know Your Customer et
 13 cetera, would all be specified within policy, but I
 14 can't comment on the detail.
 15 Q. Let me ask the court reporter to hand you
 16 NW214931, which will be Gayle Exhibit 9?
 17 THE VIDEOGRAPHER: There is five minutes left
 18 on the video. Do you want me to switch or wait a few
 19 minutes.
 20 MR. ISRAEL: Let's finish this document.
 21 (Exhibit Gayle 9 marked for identification)
 22 Q. Have you heard of an entity named Hamas?
 23 A. Yes, I have heard of them.
 24 Q. And were you aware that they were
 25 designated a terrorist organization by both the US and

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1 the UK?
 2 MR. BLACKMAN: Objection to form.
 3 A. I have an awareness of that. The precise
 4 date of when that took place, other than what is stated
 5 here --
 6 Q. But prior to seeing this e-mail you were
 7 aware that Hamas had been designated a terrorist
 8 organization?
 9 A. Yes, I was aware that they had been
 10 designated.
 11 Q. And are you aware of Hamas' involvement in
 12 terrorist attacks?
 13 MR. BLACKMAN: Objection, asking for personal
 14 knowledge or --
 15 MR. ISRAEL: Yes.
 16 A. No.
 17 Q. I am sorry, did you say "no"?
 18 A. That was "no".
 19 Q. This e-mail indicates that Hamas was
 20 reported by the Bank of England on September 22, 2003,
 21 correct?
 22 A. This is what is stated here, yes.
 23 Q. Sure. If in fact that is accurate, would
 24 NatWest, from a policy standpoint, have been able to
 25 provide banking services for Hamas prior to that date?

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1 were other reasons why I was appointed.
 2 Q. But was Mr. Swanney in the audience when
 3 you spoke about money laundering at a policy conference?
 4 A. I was not aware of that.
 5 Q. Did you later become aware of that?
 6 A. Only after I joined the bank.
 7 Q. Do you remember what you were speaking
 8 about in particular at that policy conference?
 9 A. I think financial crime, and there were
 10 a number of other topics. It was a -- I can't remember.
 11 I used to speak at a number of seminars and conferences
 12 so I am not sure which one he was in attendance at.
 13 Q. You testified a couple of times about
 14 different inconsistencies or tensions between US
 15 regulations or laws and ones that applied or UK or UN
 16 regulations. I think you gave the example a couple of
 17 times of sanctions against Cuba. Do you recall that?
 18 A. Yes, I do recall that.
 19 Q. Are you aware of any distinctions between
 20 US law and UK law with regard to the treatment of Hamas?
 21 A. No.
 22 Q. You testified about your contact with the
 23 Bank of England during the years that you were at RBS.
 24 Do you recall that?
 25 A. Yes, I do recall that.

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1 Q. You started just after -- you started at
 2 RBS just after the attacks of 9/11, true?
 3 A. True.
 4 Q. Do you know who at RBS was the primary
 5 contact with the Bank of England before that fell to
 6 you?
 7 A. No.
 8 Q. You don't know who you replaced in that
 9 regard?
 10 A. I don't know who my -- I am not aware of
 11 who my predecessor was or indeed if their role was the
 12 same scope as mine.
 13 Q. You testified that you believed that there
 14 were meetings at RBS involving this, at which the
 15 subject of terror financing was discussed, but that you
 16 did not recall the details of those meetings. Is that
 17 correct?
 18 A. That is correct.
 19 Q. I just want to make sure that we have
 20 exhausted your recollection about those meetings. You
 21 testified you don't recall the details of those
 22 meetings. Do you recall anything at all about the
 23 substance of any meetings at RBS where terror financing
 24 was discussed?
 25 A. There were many meetings at which the

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1 topic would have arisen and in various contexts.
 2 Q. Do you remember any of the context where
 3 terror financing was discussed.
 4 A. It would have been in the context of
 5 meetings with Legal, meetings with Group
 6 Investigations & Fraud, meetings involving the Money
 7 Laundering Reporting officers, broader meetings on sort
 8 of policy framework and promulgation and training
 9 sessions on policy and related technical issues.
 10 Q. When there were meetings with Group
 11 Investigations & Fraud, where the subject of terror
 12 financing was discussed, do you remember who from Group
 13 Investigations & Fraud participated?
 14 A. No, I don't recollect the names.
 15 Q. Do you recall any of the subject matters
 16 of those meetings?
 17 A. No.
 18 Q. Do you recall the subject of American
 19 anti-terror regulations arising at any of the meetings
 20 that we are talking about?
 21 A. Could you elaborate please?
 22 Q. Yes. At any of the meetings with any of
 23 the constituent groups that you described, and I want to
 24 exclude Legal from this question, do you recall
 25 discussing that or a topic of American anti-terrorism

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1 legislation or laws arising?
 2 A. No.
 3 Q. You testified about contact that you had
 4 with Bank of England regarding clarification for when
 5 there was a hit on a list and whether or not that was
 6 a positive, a false positive or a real positive. Do you
 7 recall that?
 8 A. Yes.
 9 Q. How often did you or someone at your
 10 direction talk to the Bank of England about those
 11 subjects?
 12 A. Certainly in 2001 I would say weekly with
 13 members of my team, but I am aware that there were other
 14 conversations with other parts of the bank, so I can't
 15 say with any accuracy.
 16 Q. When you say "with other parts of the
 17 bank", other parts than what?
 18 A. So Group Investigations -- other parts
 19 other than Group Compliance.
 20 Q. Okay, I understand. Was there
 21 a particular part of the Bank of England that those
 22 contacts were with?
 23 A. Most of my contacts were with the policy
 24 area of the Bank of England, who compiled the list of
 25 names and put it on to their website.

EXHIBIT 35 to Declaration of Joel Israel

Case Summary



Money laundering disclosure				NCIS
Case Summary	Record Data	Subject Data	Notes & Conclusion	Key Corresp
Incident Data Control Authority Group Financial Crime 1 Status Open Source: [GK2:617044] Review Date by Remote Delivery Channel N High Profile Y 27 Sep 2001 00:00 Created on 27 Sep 2001 00:00 by HoseasonM Last Modified on 07 Feb 2002 00:00 by RBS_Meyrgab			Linked Cases Address 276995 auto-linked 618425 NONE 647655 NONE 666593 NONE 666814 NONE Account 704079 auto-linked Address 708047 auto-linked 710368 NONE Address 710397 auto-linked Address 753294 auto-linked Address 772682 auto-linked Personal 1748664 auto-linked Business 1975700 auto-linked Business 2333235 auto-linked Business 2400867 auto-linked Maintain Links	
Queries	Refer To	Tel No.	Business	Unable to contact ?
			NONE	Yes
Money laundering disclosure Record				
Submitting Branch	600822/GI&F	Submitted By	MIKE HOSEASON	
Submitting Unit Sortcode		Contact No		
Submitting Department	None	Legislation	POTA	

NW 052057

Address Data							Add
Bldg No. & Name	Street	Town	Postcode	Risk	Adj		
60 CLARK CRT	STILTON CRES	LONDON	NW10 8DJ	Red	Red	Edit	
PO BOX 3333			NW6 1RW	Red	Red	Edit	

Account Data							Add
Account Name	Account No.	Sortcode	Account Type	Currency	Risk	Adj	
					Green	Green	Edit
PAL REL & DEV FUND INTERPAL FAMILIES	95145397	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
PAL REL & DEV FUND INTERPAL ADMIN	95142983	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
PAL REL & DEV FUND INTERPAL CHILDREN	95142975	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
PAL REL & DEV FUND ZAKAT	95142967	60-08-22	Current (Non Personal)	British Pound	Green	Green	Edit
PAL REL & DEV FUND INTEREST	95142959	60-08-22	Current (Non Personal)	British Pound	Green	Amber	Edit
INTERPAL UNION FOR GOOD	140 00 08537933	60-08-22	Currency Account	US Dollar	Green	Green	Edit
					Green	Green	Edit
					Green	Green	Edit
PAL REL & DEV FUND PARENT	140 00 04156838	60-08-22	Currency Account	US Dollar	Green	Green	Edit

Miscellaneous Data		Add
-None-		

Case Notes				Add
Type	Date	User	Text	
Case notes	07 Feb 2002	Migrated	Finlog ref: 140425. Special Branch are investigating. DH	View
Summary and Assessment	07 Feb 2002	Migrated	Account 95142967 Regular credits to the account, mainly BGC'	View
Conclusion	07 Feb 2002	Migrated	On the basis of the information available to us at the prese	View

Key Correspondence		Add
No Documents have been uploaded		

NCIS Disclosures	Author	Date	
NCIS Disclosure 142909 (R)	ConnellJ	15 Oct 2001	Amend NCIS Number

No CIFAS Reports	

Case notes History for Case 617044

Page 1 of 1

1. User: Migrated **On:** 07 Feb 2002 00:00

Print Copy 

Note: Finlog ref: 140425. Special Branch are investigating. DH

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. User: Migrated

On: 07 Feb 2002 00:00

Print Copy

Note: Account 95142967 Regular credits to the account, mainly BGC's made up of small individual cheques. One large cheque of [REDACTED] drawn on [REDACTED] and a chaps credits from the Zakat Moosa Family of £75000 and £21894 from Habibah IL Mobarak, Saudia [REDACTED] Small withdrawals made by of cheques [REDACTED] and [REDACTED] Trust and a overseas payment to Beitsajjar Zakat Committee, Cairo Amman Bank Bethlehem.Account 95205748 Regular credits to the account, small individual cheques of [REDACTED] Account 95142975 as above, mainly [REDACTED] credits, no withdrawalsAccount 95142983 Account fed by 95142959, sample of cheques issued shows a number of cheques to [REDACTED] Account 95142959 small deposits only, transfers to 95142983Account 95145397 Small deposits only, no further deposits since [REDACTED] USD\$ 04156838 -Considerable funds held, a sample of outward payments shows beneficiaries to be: Jinin Islamic Club (Sports Social & Cultural), Nablus Zakat Committee, Islamic Charitable Society, Al-Islah Charitable Society, [REDACTED] and the Union for Good Projects. All the payments went to Banks in Palestine. A further payment has been sent to the [REDACTED] for Interpal Orphans.USD\$ 04183711 No balance held & last entry 16/12/94USD\$ 08480117 Credit of [REDACTED] made from (?)funds still held on the account.USD\$ 08537933 1 credit received from [REDACTED]

1. **User:** Migrated

On: 07 Feb 2002 00:00

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Note: On the basis of the information available to us at the present time, it is considered that the above incident / activity may constitute or involve money laundering and consequently a disclosure has been made to the National Criminal Intelligence Service or other appropriate authorities. Please see attached documents for further information concerning the financial disclosure. This information may be of relevance when considering any business approaches or dealings with the above named parties.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NCIS Disclosure for Case 617044 (Received)

Close

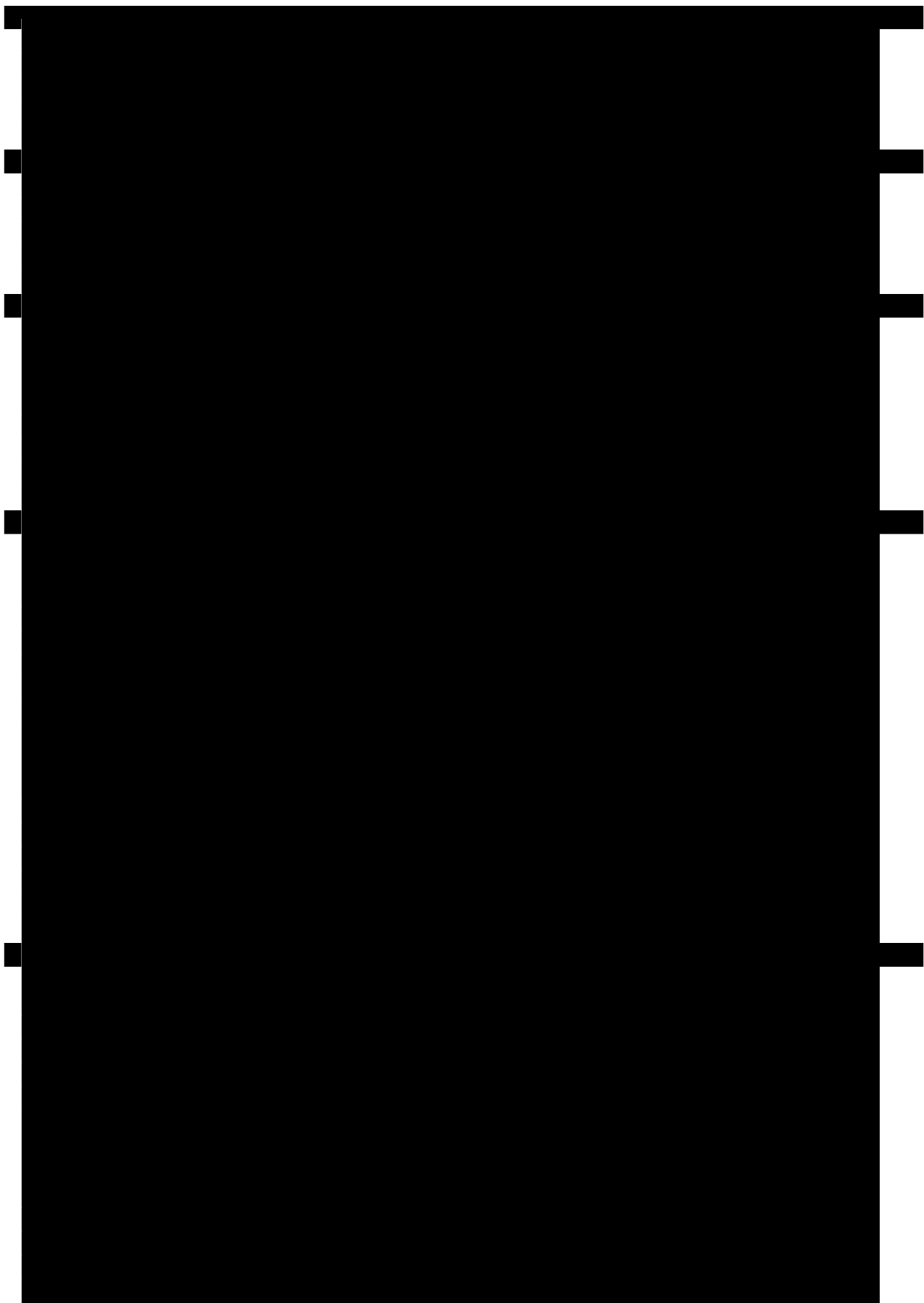
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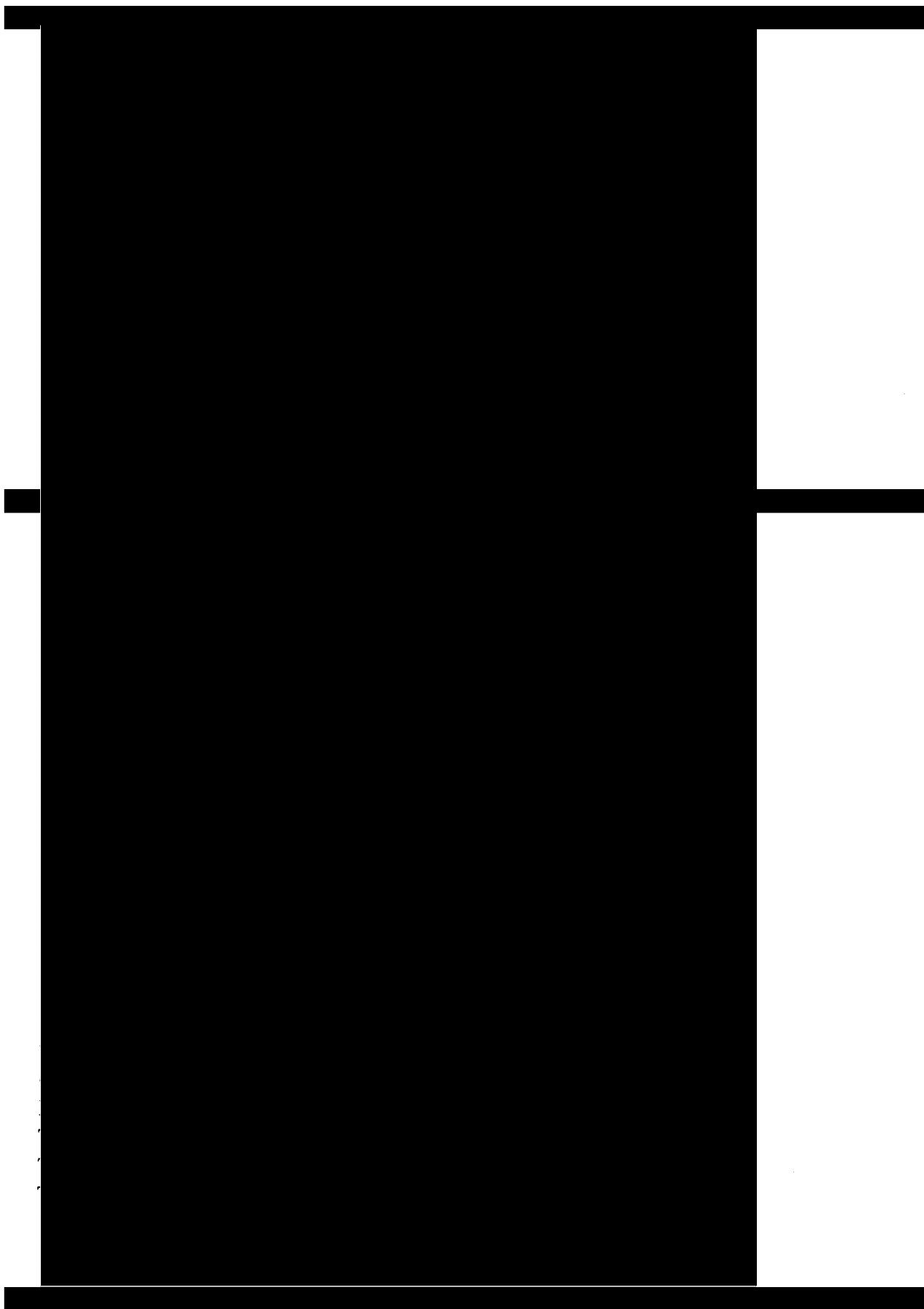
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on 15-OCT-01]**

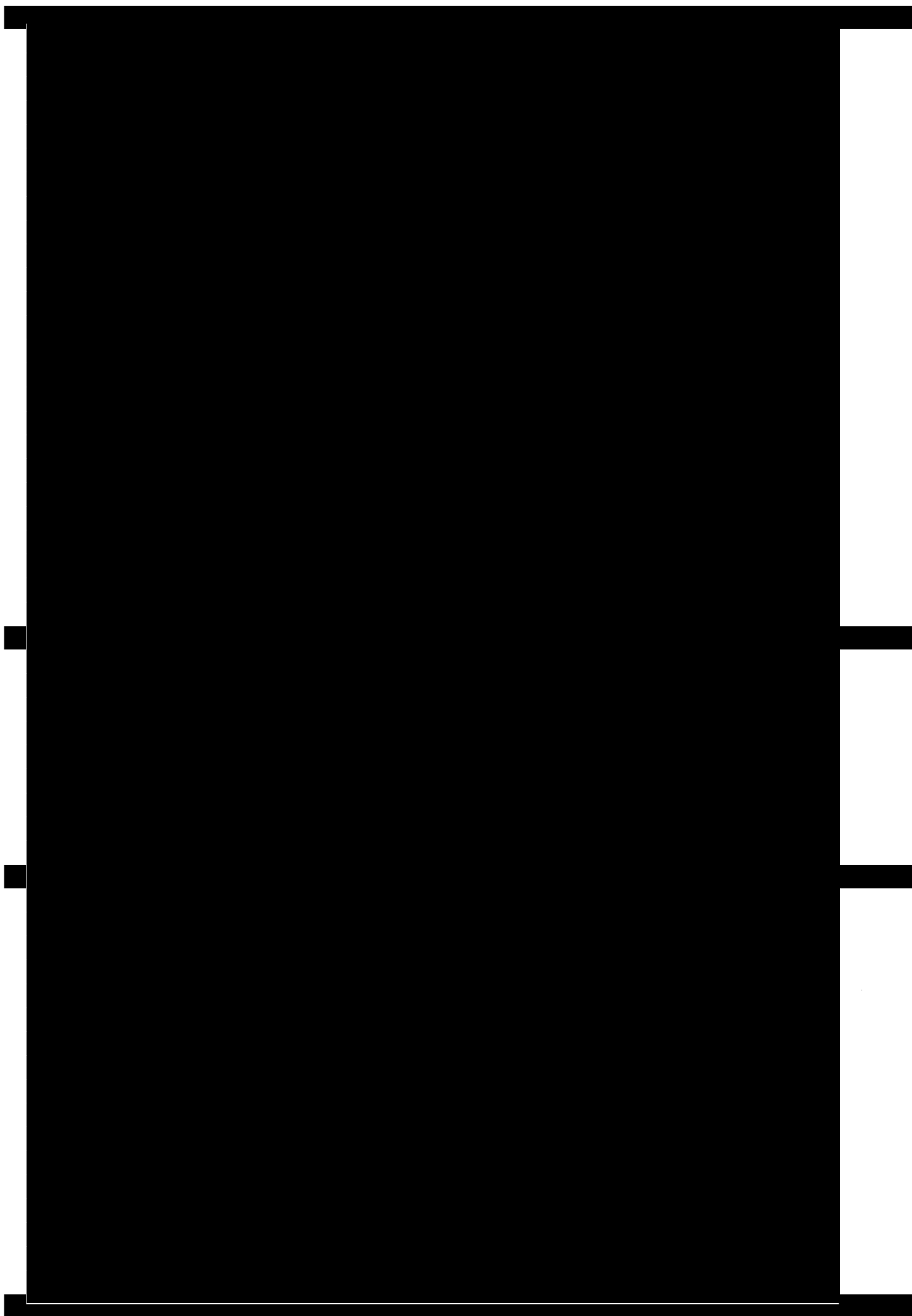
[Submitted by HoseasonM

Disclosure Type	Terrorism	Submitting Branch Address	Natwest
Disclosure Date	15 Oct 2001		Group Investigations & Fraud
Branch / Outlet	Finsbury Park		
Branch Code	60-08-22		
Trust Indicator	N		
Further Information	Y	Postcode	

Text







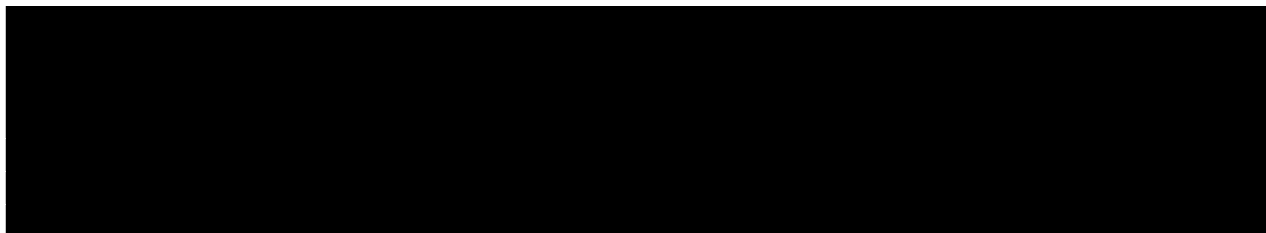
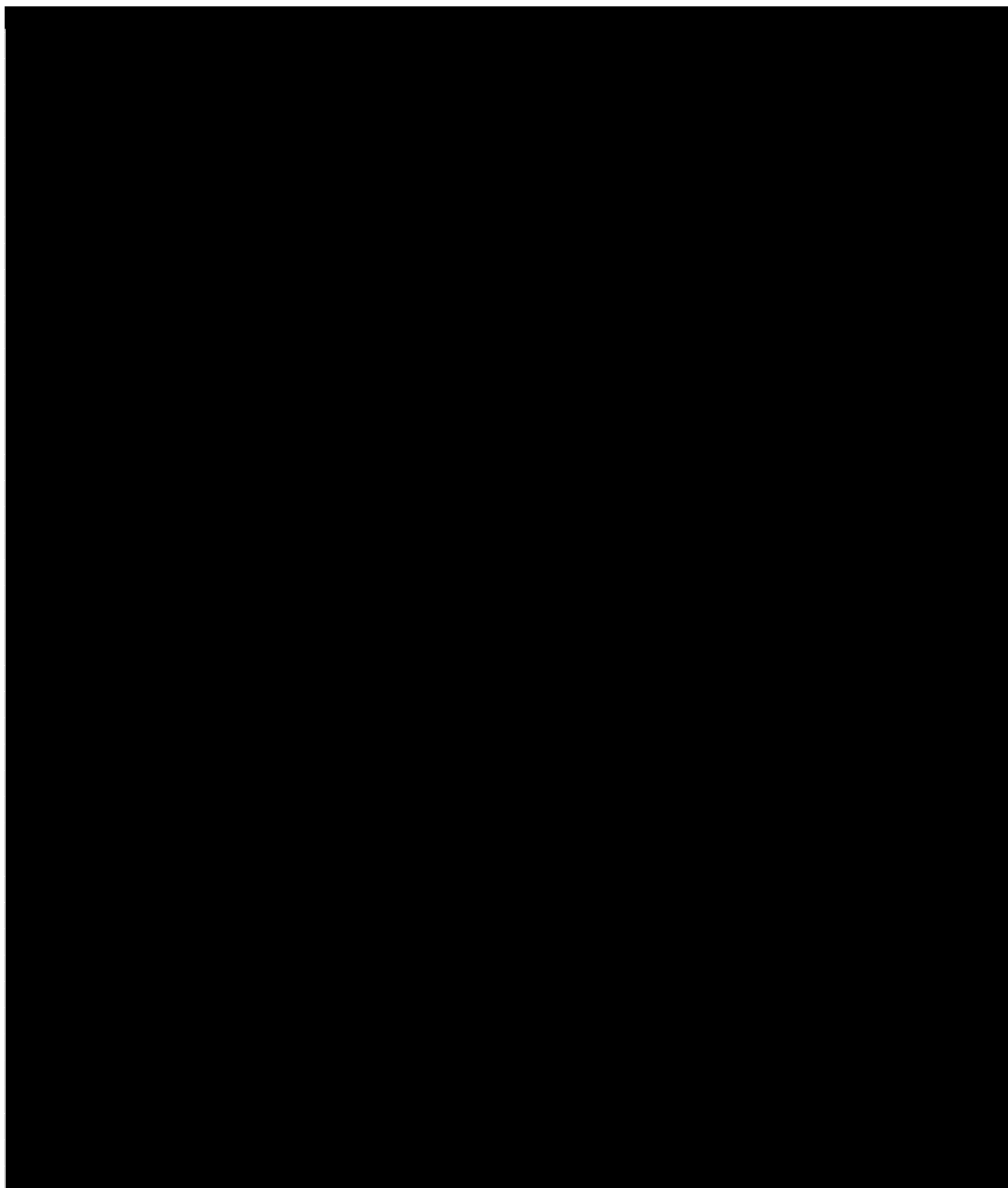
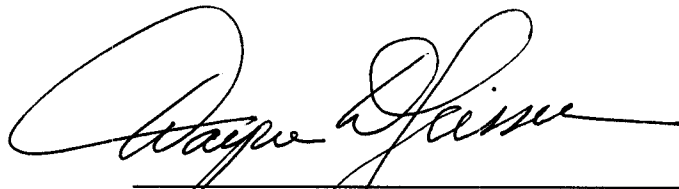


EXHIBIT 36 to Declaration of Joel Israel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

<u>MOSES STRAUSS et al.,</u>	:	
Plaintiffs,	:	DOCKET NO. 06-cv-702
v.	:	(CPS) (MDG)
<u>CRÉDIT LYONNAIS, S.A.</u>	:	
Defendant.	:	
<hr/>		
<u>BERNICE WOLF et al.,</u>	:	
Plaintiffs,	:	DOCKET NO. 07-cv-914
v.	:	(CPS) (MDG)
<u>CRÉDIT LYONNAIS, S.A.</u>	:	
Defendant.	:	
<hr/>		
<u>TZVI WEISS et al.,</u>	:	
Plaintiffs,	:	DOCKET NO. 05-cv-4622
v.	:	(CPS) (MDG)
<u>NATIONAL WESTMINSTER BANK, PLC</u>	:	
Defendant.	:	
<hr/>		
<u>NATAN APPLEBAUM et al.,</u>	:	
Plaintiffs,	:	DOCKET NO. 07-cv-916
v.	:	(CPS) (MDG)
<u>NATIONAL WESTMINSTER BANK, PLC</u>	:	
Defendant.	:	
<hr/>		

EXPERT REPORT OF WAYNE D. GEISSER, CPA, CVA, CFE



Prepared by: **WAYNE D. GEISSER, CPA, CVA, CFE**
Nihill & Riedley, PC
The Public Ledger Building, Suite 800
150 So. Independence Mall West
Philadelphia, PA 19106
November 19, 2009



nihill & riedley
A Professional Corporation

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EXHIBITS

I. BACKGROUND

This Report is being submitted in connection with the cases captioned:

Strauss, et al. v. Crédit Lyonnais, S.A., 06-cv-702 (CPS)(MDG)

Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914 (CPS)(MDG).

Weiss et al. v. National Westminster Bank, PLC, 05-cv-4622 (CPS)(MDG)

Applebaum, et al. v. National Westminster Bank, PLC, 07-cv-916 (CPS)(MDG)

Nihill & Riedley (“N&R”), has been retained by the Plaintiffs’ counsel to review and analyze certain banking records, produced in discovery, reflecting transactions facilitated by Crédit Lyonnais, S.A. (“CL”) and National Westminster Bank, PLC (“NatWest”) , hereafter, collectively the “Defendants” and provide a report summarizing particular withdrawal transactions reflected in the records.

By way of general background, I understand that in each of the above captioned cases, Plaintiffs, each of whom allege injury by reason of an act of international terrorism, allege that the Defendants knowingly provided material support to Hamas, a terrorist organization officially designated by the United States government as a “Foreign Terrorist Organization.”

I also understand that Plaintiffs further allege that Defendants maintained a relationship with customers that were designated by the United States government as a “Specially Designated Global Terrorist.” In the case of CL, that customer is an entity named the *Comité de Bienfaisance et de Secours aux Palestiniens* (“CBSP”). In the case of the NatWest, the customer is an entity named Interpal (a/k/a Palestine Relief and Development Fund).

I further understand that Plaintiffs allege that the Defendants provided illegal material support for the benefit of Hamas by transmitting funds at the direction of CBSP and Interpal to various organizations in the Palestinian Territories (the West Bank and Gaza Strip) which are alleged to be alter egos, affiliates, agents, departments, or otherwise controlled by Hamas, as well as to other Hamas controlled entities outside the Palestinian Territories.

The preceding paragraphs are purely intended to summarize my understanding of Plaintiffs’ allegations in these cases. This Report (including its Exhibits) does not, and is not, intended to offer, express or suggest any opinion regarding the veracity of Plaintiffs’ allegations, or any of Defendant’s defenses and/or denials thereof.

II. STATEMENT OF ASSIGNMENT

As noted above, we have been requested by Plaintiffs’ counsel to review and analyze records produced in discovery in each of the above-listed cases that reflect transactions facilitated by CL and NatWest for their respective customers CBSP and Interpal. We have been asked to summarize certain categories of transactions reflected in those records; specifically those disbursements made from CBSP (from the CL records) and Interpal (from the NatWest records) accounts to the following entities and individuals identified to N&R by Plaintiffs’ counsel:



1. *Al-Mujama al-Islami* – Gaza (Islamic Complex)
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. Tulkarem Zakat Committee
10. Ramallah - Al-Bireh Zakat Committee
11. Al-Islah Charitable Society - Ramallah & Al-Bireh
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]

N&R is being compensated at its standard hourly rates for the time spent working on this matter, which vary depending on the staff assigned. N&R is being compensated for my (Wayne D. Geisser) work on this matter at the rate of \$325 per hour.

N&R confirms that it has no previous professional or personal connection or relationship with any of the parties or witnesses in this case that would preclude N&R from providing its analyses in a fair, accurate, and impartial manner. N&R reserves the right to supplement this Report and any Exhibits thereto should additional information come to our attention.

III. DOCUMENTS CONSIDERED

In connection with our engagement we have been provided with a substantial volume of records, produced principally in an electronic database format. The records that we have utilized in our analysis consist of various types of banking-related records including: account statements; deposit and disbursement records; wire transfer instructions; wire transfer confirmations and electronic payment messaging instructions. These records appear to have been generated in the ordinary course of the business. The records produced reflect Bates identification references that have been assigned by the parties and our analysis make references to these documents accordingly. The list of documents that we have considered is attached as **Exhibit E**.

IV. QUALIFICATIONS – WAYNE D. GEISSER CPA, CVA, CFE

I am a Certified Public Accountant, Certified Valuation Analyst and Certified Fraud Examiner. In my more than 20-year tenure with N&R and in my prior experience as a Branch Chief in the SEC Division of Enforcement, I have conducted and/or supervised hundreds of financial investigations that have involved the analysis of banking/financial transactions. I have also been qualified as an expert witness in numerous federal and state courts. I currently serve as a

Receiver and Special Master for the United States District Court for the Eastern District of Pennsylvania. My *curriculum vitae* is attached as **Exhibit F**.

V. ANALYSIS AND OPINION

Within the scope of our engagement, it is my opinion that the information provided in this Report and Exhibits constitutes an accurate summary of the results of our review and analysis of documents produced, including the transactions processed through the CBSP accounts maintained at CL, and the Interpal accounts maintained at NatWest.

A. Crédit Lyonnais – CBSP Accounts

In connection with our analysis we reviewed [REDACTED] CBSP accounts¹ maintained at CL, each of these accounts was initially denominated in French Francs.² All of the transfers to the identified beneficiaries were made from account number [REDACTED].³ The transfers (stated in dollars) from the CBSP account number [REDACTED] to the entities that have been identified by counsel are summarized as follows:

Ref #	Name ⁴	Number of Transfer Transactions	Amount (in US Dollars) ⁵
1	<i>Al-Mujama al-Islami</i> – Gaza (Islamic Complex)		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
9	Tulkarem Zakat Committee		
10	Ramallah - Al-Bireh Zakat Committee		
11	<i>Al-Islah</i> Charitable Society – Ramallah & Al-Bireh		
	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
	Total (rounded)		

¹ See CL 0004426.

² The CBSP CL accounts were switched from [REDACTED] during September 2001.

³ Our analysis identified numerous transfers between [REDACTED] CBSP accounts.

⁴ N&R has been advised by Plaintiffs' counsel that because the recipients listed above are all entities or persons (except for Interpal) whose names are or derive from Arabic, there may be occasions when transfer beneficiaries' names may be spelled or translated in a variety of ways. Accordingly, whenever possible, we have cross-checked names and account numbers to confirm that an entity whose name was spelled differently in separate transactions is in fact the same entity.

⁵ The transactions in the Crédit Lyonnais account were denominated in either [REDACTED] or [REDACTED]. We have converted the currency using the exchange rate applicable on the day of the transaction, using currency conversion data contained on the website: www.oanda.com.

Our summary of the transfers to the designated entities listed above, by year, is attached as **Exhibit A**. Our detailed analysis of the CBSP transfers on a transaction by transaction basis, is attached as **Exhibit B**. In the course of preparing our analysis of the CBSP accounts, we were unable to identify the beneficiaries for 16 transactions totaling \$269,140.00.⁶

B. NatWest – Interpal Accounts

Our analysis included [REDACTED] Interpal accounts maintained at NatWest, which accounts made disbursements of more than [REDACTED] in funds during the period examined.⁷ The accounts were variously denominated in US Dollars [REDACTED]; British Pounds Sterling [REDACTED] French Francs [REDACTED] and Euros [REDACTED]. We identified transfers to designated beneficiaries as originating from one of the following four Interpal accounts:

1. Interpal, account number 95142940 (British Pounds Sterling);
2. Interpal Zakat Fund, account number 95142967 (British Pounds Sterling);
3. Interpal Children, account number 95142975 (British Pounds Sterling); and
4. Interpal, account number 140-00-04156838 (US Dollars).

The transfers from the Interpal accounts at NatWest to the entities that have been identified by counsel are summarized in the table below and include disbursements from one of the four accounts listed above.

Ref #	Name	Number of Transfer Transactions	Amount (in US Dollars) ⁸
1	<i>Al-Mujama al-Islami – Gaza (Islamic Complex)</i>		[REDACTED]
2	[REDACTED]		
3	[REDACTED]		
4	[REDACTED]		
5	[REDACTED]		
6	[REDACTED]		
7	[REDACTED]		
8	[REDACTED]		
9	Tulkarem Zakat Committee		
10	Ramallah - Al-Bireh Zakat Committee		
11	<i>Al-Islah Charitable Society – Ramallah & Al-Bireh</i>		
12	[REDACTED]		
13	[REDACTED]		
14	[REDACTED]		
	Total (rounded)		

⁶ The table totals do not include any transactions where the beneficiary could not be identified.

⁷ The disbursements total includes transfers between various accounts.

⁸ The transactions in the NatWest accounts were denominated in either U.S. Dollars or British Pounds Sterling. We have converted the Pounds Sterling accounts using the exchange rate applicable on the day of the transaction, using currency conversion data contained on the website: www.oanda.com.

Our summary of the transfers to the designated entities listed above, by year, is attached as **Exhibit C**. Our detailed analysis of the Interpal accounts on a transaction by transaction basis is attached as **Exhibit D**. In the course of preparing our analysis of the Interpal accounts at NatWest we were unable to identify the beneficiary for 619 transfer transactions totaling approximately \$10,170,600.15.⁹

⁹ The table totals do not reflect any of the transactions where the beneficiary could not be identified.

EXHIBIT A

Comité de Bienfaisance et de Secours aux Palestiniens a/k/a Comité Bienfaisance pour la Solidarite avec la Palestiene ("CBSP")

Credit Lyonnais, S.A. - All Currencies

Summary of Identified Withdrawal Transactions for the Benefit of Selected Organizations

Revised August 19, 2010

Annual Withdrawal Totals Presented in US Dollars
For the Time Period: October 1996 to February 2002

Ref. ID	Organization Name	Annual Withdrawal Totals:						Total
		1996	1997	1998	1999	2000	2001	
1	Al-Mujama al-Islami - Gaza (Islamic Complex)							
9	Tulkarem Zakat Committee							
10	Ramallah - Al-Bireh Zakat Committee							
11	Al-Islah Charitable Society - Ramallah & Al-Bireh							
12								
13								
14	Transfers to Interpal							

Note: As of November 19, 2009, the totals above do not include 16 withdrawals, transferred between June 1996 and June 2001, with a US Dollar value of \$269,140 for which a beneficiary was not identified.

Exhibit C

Exhibit D

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Withdrawal Transactions for the Benefit of Selected Organizations**

Notes: Source of the exchange rate is: www.oanda.com

[A] The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.
[B]
[C] If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:							Information from Transfer Forms:								Transaction Detail from Current Account Statement [C]
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	

1 [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

Notes

[A]

[B]

[C]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

[B]

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

[C]

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

[REDACTED]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	12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Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:									Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
2	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
3	1234	12/01/2023	2023	1234567890	GBP	25.00	1.07	26.75	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
4	1234	12/01/2023	2023	1234567890	GBP	75.00	1.07	80.25	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
5	1234	12/01/2023	2023	1234567890	GBP	150.00	1.07	160.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
6	1234	12/01/2023	2023	1234567890	GBP	300.00	1.07	321.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
7	1234	12/01/2023	2023	1234567890	GBP	600.00	1.07	642.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
8	1234	12/01/2023	2023	1234567890	GBP	900.00	1.07	963.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
9	1234	12/01/2023	2023	1234567890	GBP	1200.00	1.07	1284.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	
10	1234	12/01/2023	2023	1234567890	GBP	1500.00	1.07	1605.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
11	1234	12/01/2023	2023	1234567890	GBP	1800.00	1.07	1926.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
12	1234	12/01/2023	2023	1234567890	GBP	2100.00	1.07	2247.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
13	1234	12/01/2023	2023	1234567890	GBP	2400.00	1.07	2568.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
14	1234	12/01/2023	2023	1234567890	GBP	2700.00	1.07	2889.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
15	1234	12/01/2023	2023	1234567890	GBP	3000.00	1.07	3210.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
16	1234	12/01/2023	2023	1234567890	GBP	3300.00	1.07	3531.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
17	1234	12/01/2023	2023	1234567890	GBP	3600.00	1.07	3852.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
18	1234	12/01/2023	2023	1234567890	GBP	3900.00	1.07	4173.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
19	1234	12/01/2023	2023	1234567890	GBP	4200.00	1.07	4494.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
20	1234	12/01/2023	2023	1234567890	GBP	4500.00	1.07	4815.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
21	1234	12/01/2023	2023	1234567890	GBP	4800.00	1.07	5136.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
22	1234	12/01/2023	2023	1234567890	GBP	5100.00	1.07	5457.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
23	1234	12/01/2023	2023	1234567890	GBP	5400.00	1.07	5778.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
24	1234	12/01/2023	2023	1234567890	GBP	5700.00	1.07	6099.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
25	1234	12/01/2023	2023	1234567890	GBP	6000.00	1.07	6420.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
26	1234	12/01/2023	2023	1234567890	GBP	6300.00	1.07	6741.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
27	1234	12/01/2023	2023	1234567890	GBP	6600.00	1.07	7062.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
28	1234	12/01/2023	2023	1234567890	GBP	6900.00	1.07	7383.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
29	1234	12/01/2023	2023	1234567890	GBP	7200.00	1.07	7704.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
30	1234	12/01/2023	2023	1234567890	GBP	7500.00	1.07	8025.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
31	1234	12/01/2023	2023	1234567890	GBP	7800.00	1.07	8346.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
32	1234	12/01/2023	2023	1234567890	GBP	8100.00	1.07	8667.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
33	1234	12/01/2023	2023	1234567890	GBP	8400.00	1.07	8988.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
34	1234	12/01/2023	2023	1234567890	GBP	8700.00	1.07	9309.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
35	1234	12/01/2023	2023	1234567890	GBP	9000.00	1.07	9630.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
36	1234	12/01/2023	2023	1234567890	GBP	9300.00	1.07	9951.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
37	1234	12/01/2023	2023	1234567890	GBP	9600.00	1.07	10272.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
38	1234	12/01/2023	2023	1234567890	GBP	9900.00	1.07	10593.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
39	1234	12/01/2023	2023	1234567890	GBP	10200.00	1.07	10914.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
40	1234	12/01/2023	2023	1234567890	GBP	10500.00	1.07	11235.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
41	1234	12/01/2023	2023	1234567890	GBP	10800.00	1.07	11556.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
42	1234	12/01/2023	2023	1234567890	GBP	11100.00	1.07	11877.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
43	1234	12/01/2023	2023	1234567890	GBP	11400.00	1.07	12198.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
44	1234	12/01/2023	2023	1234567890	GBP	11700.00	1.07	12519.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
45	1234	12/01/2023	2023	1234567890	GBP	12000.00	1.07	12840.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
46	1234	12/01/2023	2023	1234567890	GBP	12300.00	1.07	13161.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
47	1234	12/01/2023	2023	1234567890	GBP	12600.00	1.07	13482.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
48	1234	12/01/2023	2023	1234567890	GBP	12900.00	1.07	13803.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
49	1234	12/01/2023	2023	1234567890	GBP	13200.00	1.07	14124.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
50	1234	12/01/2023	2023	1234567890	GBP	13500.00	1.07	14445.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
51	1234	12/01/2023	2023	1234567890	GBP	13800.00	1.07	14766.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
52	1234	12/01/2023	2023	1234567890	GBP	14100.00	1.07	15087.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
53	1234	12/01/2023	2023	1234567890	GBP	14400.00	1.07	15408.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
54	1234	12/01/2023	2023	1234567890	GBP	14700.00	1.07	15729.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
55	1234	12/01/2023	2023	1234567890	GBP	15000.00	1.07	16050.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
56	1234	12/01/2023	2023	1234567890	GBP	15300.00	1.07	16371.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
57	1234	12/01/2023	2023	1234567890	GBP	15600.00	1.07	16692.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
58	1234	12/01/2023	2023	1234567890	GBP	15900.00	1.07	17013.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
59	1234	12/01/2023	2023	1234567890	GBP	16200.00	1.07	17334.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
60	1234	12/01/2023	2023	1234567890	GBP	16500.00	1.07	17655.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
61	1234	12/01/2023	2023	1234567890	GBP	16800.00	1.07	17976.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
62	1234	12/01/2023	2023	1234567890	GBP	17100.00	1.07	18297.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
63	1234	12/01/2023	2023	1234567890	GBP	17400.00	1.07	18618.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	12/01/2023
64	1234	12/01/2023	2												

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

Sorted by Organization Name and Current Account Statement Date

[illegible]

[C]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number. If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

[C] If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

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Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:									Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
2	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
3	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
4	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
5	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
6	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
7	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
8	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
9	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
10	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	
11	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
12	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
13	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
14	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
15	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
16	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
17	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
18	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
19	12345	2023-01-01	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	2023-01-01	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.

Notes

[A]

Source of the exchange rate is: www.oanda.com

[B]

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

[C]

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:									Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
2	12345	12/01/2023	2023	12345678901234567890	GBP	50.00	1.07	53.50	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
3	12345	12/01/2023	2023	12345678901234567890	GBP	25.00	1.07	26.75	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	26.75
4	12345	12/01/2023	2023	12345678901234567890	GBP	75.00	1.07	80.25	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	80.25
5	12345	12/01/2023	2023	12345678901234567890	GBP	15.00	1.07	16.05	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	16.05
6	12345	12/01/2023	2023	12345678901234567890	GBP	30.00	1.07	32.10	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
7	12345	12/01/2023	2023	12345678901234567890	GBP	40.00	1.07	42.80	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
8	12345	12/01/2023	2023	12345678901234567890	GBP	60.00	1.07	64.20	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
9	12345	12/01/2023	2023	12345678901234567890	GBP	80.00	1.07	85.60	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
10	12345	12/01/2023	2023	12345678901234567890	GBP	90.00	1.07	96.30	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
11	12345	12/01/2023	2023	12345678901234567890	GBP	10.00	1.07	10.70	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
12	12345	12/01/2023	2023	12345678901234567890	GBP	20.00	1.07	21.40	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
13	12345	12/01/2023	2023	12345678901234567890	GBP	35.00	1.07	37.45	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	37.45
14	12345	12/01/2023	2023	12345678901234567890	GBP	45.00	1.07	48.15	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	48.15
15	12345	12/01/2023	2023	12345678901234567890	GBP	55.00	1.07	58.85	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	58.85
16	12345	12/01/2023	2023	12345678901234567890	GBP	65.00	1.07	69.55	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	69.55
17	12345	12/01/2023	2023	12345678901234567890	GBP	75.00	1.07	80.25	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	80.25
18	12345	12/01/2023	2023	12345678901234567890	GBP	85.00	1.07	90.95	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	90.95
19	12345	12/01/2023	2023	12345678901234567890	GBP	95.00	1.07	101.65	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	Bank of America	101.65
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age 297 of 388 PageID #: [A] Sources of the exchange rate is: www.oanda.com
[B] The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.
[C] If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

5 [REDACTED]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
2	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
3	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
4	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
5	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
6	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
7	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
8	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
9	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
10	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
11	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
12	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
13	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
14	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
15	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
16	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
17	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
18	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
19	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
20	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
21	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
22	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
23	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
24	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
25	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
26	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
27	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
28	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
29	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
30	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
31	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
32	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
33	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
34	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
35	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
36	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
37	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
38	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
39	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
40	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
41	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
42	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
43	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
44	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
45	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
46	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
47	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
48	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
49	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
50	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
51	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
52	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
53	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
54	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
55	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
56	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
57	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
58	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
59	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
60	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
61	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
62	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
63	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
64	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
65	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
66	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
67	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	15/01/2023	1234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	
68	1234	15/01/2023	2023	1234567890	GBP	100.00	1.07								

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

Notes

[A]

[B]

[C]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	100.00
2	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
3	1234	12/01/2023	2023	1234567890	GBP	25.00	1.07	26.75	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	26.75
4	1234	12/01/2023	2023	1234567890	GBP	75.00	1.07	80.25	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	80.25
5	1234	12/01/2023	2023	1234567890	GBP	150.00	1.07	160.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	160.50
6	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
7	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
8	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
9	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
10	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
11	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
12	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
13	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
14	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
15	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
16	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
17	1234	12/01/2023	2023	1234567890	GBP	70.00	1.07	74.90	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	74.90
18	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
19	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
20	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	107.00
21	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
22	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
23	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
24	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
25	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
26	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
27	1234	12/01/2023	2023	1234567890	GBP	70.00	1.07	74.90	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	74.90
28	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
29	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
30	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	107.00
31	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
32	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
33	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
34	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
35	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
36	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
37	1234	12/01/2023	2023	1234567890	GBP	70.00	1.07	74.90	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	74.90
38	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
39	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
40	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	107.00
41	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
42	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
43	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
44	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
45	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
46	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
47	1234	12/01/2023	2023	1234567890	GBP	70.00	1.07	74.90	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	74.90
48	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
49	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
50	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	107.00
51	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
52	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
53	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
54	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
55	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
56	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	64.20
57	1234	12/01/2023	2023	1234567890	GBP	70.00	1.07	74.90	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	74.90
58	1234	12/01/2023	2023	1234567890	GBP	80.00	1.07	85.60	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	85.60
59	1234	12/01/2023	2023	1234567890	GBP	90.00	1.07	96.30	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	96.30
60	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	107.00
61	1234	12/01/2023	2023	1234567890	GBP	10.00	1.07	10.70	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	10.70
62	1234	12/01/2023	2023	1234567890	GBP	20.00	1.07	21.40	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	21.40
63	1234	12/01/2023	2023	1234567890	GBP	30.00	1.07	32.10	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	32.10
64	1234	12/01/2023	2023	1234567890	GBP	40.00	1.07	42.80	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	42.80
65	1234	12/01/2023	2023	1234567890	GBP	50.00	1.07	53.50	1234	12/01/2023	1234567890	12345678901234567890	John Doe / Salary	Bank of America	53.50
66	1234	12/01/2023	2023	1234567890	GBP	60.00	1.07	64.20	1234	12/01/2023	1234567890	12345678901234567890	John Doe /		

[C]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number. If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
					[REDACTED]			[REDACTED]							

6 [REDACTED]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51
52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68
69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85
86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102
103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119
120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136
137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153
154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170
171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187
188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204
205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221
222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238
239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255
256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272
273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289
290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306
307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323
324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340
341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357
358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374
375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391
392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408
409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425
426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442
443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459
460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476
477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493
494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

[B]

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

[C]

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

7 [REDACTED]

[illegible]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

8 [REDACTED]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	5
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Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

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[A] Sources of the exchange rate is: www.oanda.com

[B] The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

[C] If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]					[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]						

9 [REDACTED]

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Sorted by Organization Name and Current Account Statement Date

10 [REDACTED]

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Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
2	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
3	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
4	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
5	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
6	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
7	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
8	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
9	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
10	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
11	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
12	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	
13	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
14	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
15	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
16	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
17	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
18	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
19	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
20	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
21	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
22	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
23	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
24	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
25	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
26	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
27	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
28	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
29	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00
30	1234	12/01/2023	2023	1234567890	GBP	100.00	1.07	107.00	1234	12/01/2023	1234567890	12345678901234567890	ABC Bank Ltd	100.00	100.00

[C]

Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number. If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]					[REDACTED]			[REDACTED]							

11 [REDACTED]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
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497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

	Information from Account Statements:								Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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Source of the exchange rate is: www.oanda.com

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:									Information from Transfer Forms:						
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name	Transaction Detail from Current Account Statement [C]
1	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
2	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
3	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
4	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
5	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
6	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
7	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
8	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
9	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
10	12345	12/01/2023	2023	12345678901234567890	GBP	100.00	1.07	107.00	12345	12/01/2023	12345678901234567890	12345678901234567890	John Doe / Salary	ABC Bank Ltd	100.00
Total					GBP	1000.00		1070.00							

13 [REDACTED]

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Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Withdrawal Transactions for the Benefit of Selected Organizations

Notes: [A] Source of the exchange rate is: www.oanda.com
[B] The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.
[C] If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements:							Information from Transfer Forms:							Transaction Detail from Current Account Statement [C]
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN	Beneficiary's Name / Category [B]	Beneficiary's Bank Name

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	

[REDACTED]

[REDACTED]	[REDACTED]5
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Totals for Selected Organizations

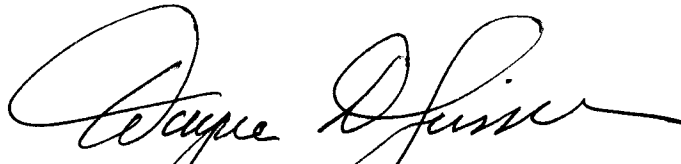
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EXHIBIT 37 to Declaration of Joel Israel

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MOSES STRAUSS et al.,	:	
Plaintiffs,	:	DOCKET NO. 06-cv-702
v.	:	(CPS) (MDG)
CRÉDIT LYONNAIS, S.A.	:	
Defendant.	:	
BERNICE WOLF et al.,	:	
Plaintiffs,	:	DOCKET NO. 07-cv-914
v.	:	(CPS) (MDG)
CRÉDIT LYONNAIS, S.A.	:	
Defendant.	:	
TZVI WEISS et al.,	:	
Plaintiffs,	:	DOCKET NO. 05-cv-4622
v.	:	(CPS) (MDG)
NATIONAL WESTMINSTER BANK, PLC	:	
Defendant.	:	
NATAN APPLEBAUM et al.,	:	
Plaintiffs,	:	DOCKET NO. 07-cv-916
v.	:	(CPS) (MDG)
NATIONAL WESTMINSTER BANK, PLC	:	
Defendant.	:	

EXPERT REPORT OF WAYNE D. GEISSER, CPA, CVA, CFE, CFF



Prepared by: WAYNE D. GEISSER, CPA, CVA, CFE
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The Public Ledger Building, Suite 800
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December 28, 2010



nihill & riedley
A Professional Corporation

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Identified, Matching and Grouping of Transactions	4
Analyses Presented.....	5

EXHIBITS

I. BACKGROUND

This Report is being submitted in connection with the cases captioned:

Weiss et al. v. National Westminster Bank, PLC, 05-cv-4622 (CPS)(MDG)
Applebaum, et al. v. National Westminster Bank, PLC, 07-cv-916 (CPS)(MDG)
Strauss, et al. v. Crédit Lyonnais, S.A., 06-cv-702 (CPS)(MDG)
Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914 (CPS)(MDG).

Nihill & Riedley ("N&R"), has been retained by the Plaintiffs' counsel to review and analyze certain banking records, produced in discovery, reflecting transactions facilitated by National Westminster Bank, PLC ("NatWest"), hereafter, the "Defendant" and provide a report summarizing particular deposit and withdrawal transactions reflected in the account records. This Report supplements our prior reports of November 19, 2009 and August 19, 2010.¹ The information contained in this Report is based upon documents produced in discovery that were either not available, or produced recently at the time the prior reports were prepared.

II. STATEMENT OF ASSIGNMENT

We have been requested by Plaintiffs' counsel to review and analyze records produced in discovery by NatWest, for its customer, Interpal and summarize all deposits and withdrawals that pertain to the following organizations/individuals:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

- 7.

The transactions that we have identified and summarized are included in among [REDACTED] accounts maintained by Interpal at NatWest.² Our summaries of the transactions that we have identified are included at **Exhibits A through E**.

¹ Our Report of August 19, 2010 pertains exclusively to transactions involving Crédit Lyonnais.

² See column "Account Number" appearing in **Exhibits D and E**.

N&R is being compensated at its standard hourly rates for the time spent working on this matter, which vary depending on the staff assigned. N&R is being compensated for my (Wayne D. Geisser) work on this matter at the rate of \$325 per hour.

N&R confirms that it has no previous professional or personal connection or relationship with any of the parties or witnesses in this case that would preclude N&R from providing its analyses in a fair, accurate, and impartial manner. N&R reserves the right to supplement this Report and any Exhibits thereto should additional information come to our attention.

III. DOCUMENTS CONSIDERED

In connection with our engagement, we have been provided with a substantial volume of records, produced principally in an electronic format. The records that we have utilized in our analysis consist of various types of banking-related records including: account statements; deposit and disbursement records; wire transfer instructions; wire transfer confirmations and electronic payment messaging instructions. These records appear to have been generated in the ordinary course of the business. The records produced reflect Bates Stamp identification references that have been assigned by the parties and our analysis make references to these documents accordingly. Our List of Documents Considered is attached as **Exhibit F**.

IV. QUALIFICATIONS – WAYNE D. GEISSER CPA, CVA, CFE, CFF

I am a Certified Public Accountant, Certified Valuation Analyst, Certified Fraud Examiner and am Certified in Financial Forensics by the AICPA. In my 25-year tenure with N&R and in my prior experience as a Branch Chief in the SEC Division of Enforcement, I have conducted and/or supervised hundreds of financial investigations that have involved the analysis of banking/financial transactions. I have also been qualified as an expert witness in numerous federal and state courts. My *curriculum vitae* is attached as **Exhibit G**.

V. OPINION

Within the scope of our engagement, it is my opinion that the information provided in this Report including the various schedules appended as Exhibits A through E, constitutes an accurate summary of the transactions that we have been asked to identify, analyze and summarize.

VI. ANALYSIS

Background

Our Reports, dated November 19, 2009 and August 19, 2010, identified disbursements from [REDACTED] Interpal accounts at Nat West made to fourteen (14) organizations/individuals. The names of the fourteen (14) organizations/individuals were supplied by counsel. Subsequent to the issuance of these Reports, counsel provided additional documents (in electronic format), identified as volumes 46 and 58.³ We reviewed the document production and updated our

³ See Listing of Documents Considered for Bates Stamp numbers.

transactional database. Currently, the Nat West transaction database includes over 5,000 separate receipt/payment transactions.⁴

Account Statement Data and Transactional Records

The initial transactional information was obtained from bank Account Statements. Information extracted from the Account Statements included: Nat West Interpal bank account numbers; transaction currency; transaction date; transaction amount; and if available the transfer number and organization/individual name associated with the transfer.

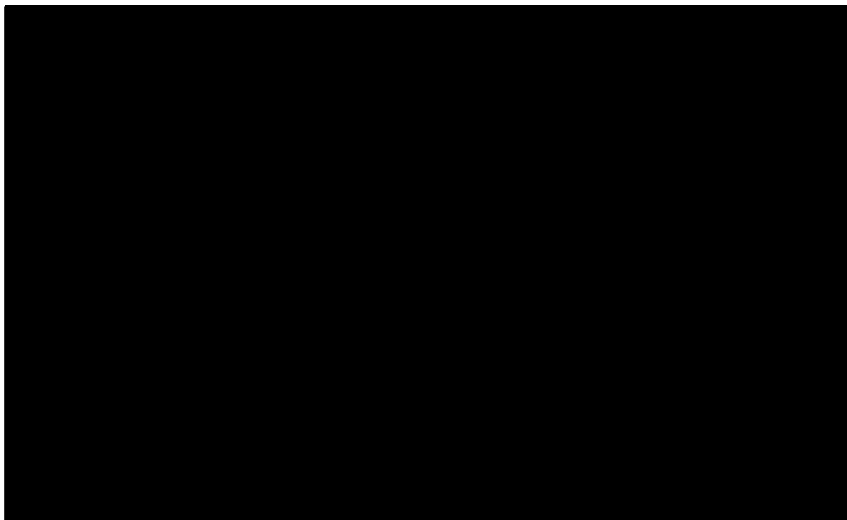
Additional information was obtained from the individual deposit and disbursement records, including wire transfer forms, hereafter collectively referred to as the "Transactional Records." The Transactional Records were matched to Account Statements using the date, amount, organization/individual name and the transfer number. Information found in the Transactional Records may have included, but not be limited to: Interpal bank account number; transaction date; transaction amount; IBAN (International Bank Account Number); transfer number; organization/individual name associated with the transfer; and any instructions regarding the transfer.

Identified Depositors and Payees

As noted above, we have been asked to identify and summarize certain transactions reflected in Nat West records; specifically those receipts and disbursements made to/from one of ■ accounts maintained at Nat West for Interpal for the specific depositors/payees that have been indentified to us. The specific accounts that the deposits and withdrawals that we have identified in our review are detailed in our analyses.⁵ The deposits and withdrawals that we were asked to analyze pertain to the following seven (7) organizations/individuals:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

7.



⁴ With the inclusion of documents produced in volumes 46 and 58.

⁵ See column "Account Number" in the attached analyses (**Exhibits D and E**).

Identification, Matching and Grouping of Transactions

The transactions listed on the exhibited detailed schedules were identified by using the descriptions that appear on the Account Statements and Transactional Records. The transactions were combined through a sorting process that utilized information appearing on available documents. For example, identical bank account numbers and the transactional amounts (i.e. same amount of dollars or Euros) provided us with a primary indication that the organization/individual was the same and as a result, the transactions were appropriately grouped together in the sorting process.

Due to the large volume and range of documents produced, names of the organizations/individuals may have reflected variance in titling; spellings; or Arabic to English translations on the various documents (i.e. Account Statement and Transactional Records). We grouped transactions with such variations by cross-referencing available information including:

- Account names;
- Account numbers;
- Supporting deposit / disbursement records; and
- Source / destination bank / IBAN number.

We understand that the evidentiary basis for the grouping of the data has been developed through the discovery process and / or the use of other experts and will be presented at trial. For purposes of this Report, counsel provided direction in the titling / grouping of transactions presented in the exhibited schedules. The information supplied by counsel as to titling / grouping does not affect the recording and summarizing of the underlying transactions in the database or attached Exhibits.

Analyses Presented

- **Exhibit A** - “Summary of Identified Receipt/Credit and Payment/Debit Transactions from/to Selected Organizations/Individuals” – Presents analysis that combines both “receipt/credit” (deposit-funds in) and “payment/debit” (withdrawals-funds out) for each identified organization/individual.
- **Exhibit B** – “Summary of Identified Receipt/Credit Transactions from Selected Organizations/Individuals” - Presents analysis that summarizes by annual period funds deposited to the Interpal accounts by each identified organization/individual. The analysis accounts for 196 transactions totaling [REDACTED]⁶
- **Exhibit C** – “Summary of Identified Payment/Debit Transactions from Selected Organizations/Individuals” - Presents analysis that summarizes by annual period funds paid to each identified organization/individual. The analysis accounts for 41 transactions totaling [REDACTED]
- **Exhibit D** – “Detail of Identified Receipt/Credit Transactions from Selected Organizations / Individual” – Presents information for the individual transactions for each of the identified organization. The information is derived from the Account Statements and Transaction Records. The analysis accounts for deposits totaling [REDACTED]
- **Exhibit E** – Detail of “Identified Payment/Debit Transactions from Selected Organizations/Individuals” - Presents information for the individual transactions for each identified organization. The information is derived from the Account Statements and Transactional Records. The analysis accounts for withdrawals totaling [REDACTED]

⁶ All foreign currencies have been converted to U.S. Dollars.

EXHIBITS



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A Professional Corporation

Strauss, et al. v. Crédit Lyonnais, S.A.
Wolf, et al. v. Crédit Lyonnais, S.A.
Weiss, et al. v. National Westminster Bank, PLC
Applebaum, et al. v. National Westminster Bank, PLC

Exhibit List

Exhibit A - Summary of Identified Receipt/Credit and Payment/Debit Transactions from/to Selected Organizations/Individuals

Exhibit B - Summary of Identified Receipt/Credit Transactions from Selected Organizations/Individuals

Exhibit C - Summary of Identified Payment/Debit Transactions from Selected Organizations/Individuals

Exhibit D - Detail of Identified Receipt/Credit Transactions from Selected Organizations / Individual

Exhibit E - Detail of Identified Payment/Debit Transactions from Selected Organizations/Individuals

Exhibit F - List of Documents Considered

Exhibit G – Curriculum Vitae - Wayne D. Geisser CPA, CVA, CFE, CFF



Exhibit A

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Summary of Identified Receipt / Credit and Payment / Debit Transactions from / to Selected Organizations / Individuals**

Ref. ID	Organization Name	Converted US Dollar Amount:					
		Receipts / Credit Transactions		Payment / Debit Transactions		Total Transactions	
		US Dollar Value	No. of Transactions	US Dollar Value	No. of Transactions	US Dollar Value	No. of Transactions
I							
II							
III							
IV							
V							
VI	Al Aqsa Foundations:						
	A Al Aqsa Foundation of S.A.	\$					
	B Al Aqsa (Belgium) [ASBL Al-Aqsa]	\$					
	C Al Aqsa (Germany)	\$					
	D Al-Aqsa Spannmal Stiftelse	\$					
	E Al-Gamcyah Al-Khereyah Lenasrat Al-Aqsa Al-Shareef	\$					
	F Stichting Al-Aqsa (Al Aqsa Holland)	\$					
	G Al Aqsa Foundation	\$					
VII		\$					

Notes:

- [A] As of December 15, 2010, the totals above do not include 44 receipts / credits in excess of \$1,000 each, received by Interpal between October 1994 and October 2004, with a US Dollar value of \$1,897,606 for which a source of funds was not identified.
- [B] As of December 15, 2010, the totals above do not include 619 withdrawals (in excess of \$1,000), transferred between January 1996 and February 2005, with a US Dollar value of \$10,298,599 for which a beneficiary was not identified.

Exhibit B

Note: As of December 15, 2010, the totals above do not include 44 receipts / credits in excess of \$1,000 each, received by Interpal between October 1994 and October 2004, with a US Dollar value of \$1,897,606 for which a source of funds was not identified.

Note: As of December 15, 2010, the totals above do not include 44 receipts / credits in excess of \$1,000 each, received by Interpal between October 1994 and October 2004, with a US Dollar value of \$1,897,606 for which a source of funds was not identified.

Exhibit C

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Summary of Identified Payment / Debit Transactions from Selected Organizations / Individuals**

Ref. ID		Organization Name	Annual Totals:										Total
			1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	
I													
II													
III													
IV													
V													
VI		Al Aqsa Foundations:											
	A	Al Aqsa Foundation of S.A.											
	B	Al Aqsa (Belgium) [ASBL Al-Aqsa]											
	C	Al Aqsa (Germany)											
	D	Al-Aqsa Spannmal Stifelse											
	E	Al-Gameyah Al-Khereyah Lenasrat Al-Aqsa Al-Shareef											
	F	Stichting Al-Aqsa (Al Aqsa Holland)											
	G	Al Aqsa Foundation											
VII													

\$

Note: As of December 15, 2010, the totals above do not include 619 withdrawals (in excess of \$1,000), transferred between January 1996 and February 2005, with a US Dollar value of \$10,298,599 for which a beneficiary was not identified.

Exhibit D

Palestinians Relief & Development Fund - Interpal
 NatWest Business Bank Accounts - All Currencies
 Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Receipt / Credit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)	
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]		Bank Name

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Notes:
 [A] - Source of exchange rate is www.oanda.com.
 [B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Receipt / Credit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)	
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate (A)	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit (B)		Bank Name

[REDACTED]													
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IV World Assembly of Muslim Youth (WAMY)

[REDACTED]													
[REDACTED]													
[REDACTED]													
[REDACTED]													

Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Information from Account Statements									Information for Identified Receipt / Credit Transactions					
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]	Bank Name	Comments	Transaction Detail from Account Statement (Source of name if no supporting documentation provided)

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Palestinians Relief & Development Fund - Interpal
 NatWest Business Bank Accounts - All Currencies
 Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Receipt / Credit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)		
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]		Bank Name	Comments

Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements									Information for Identified Receipt / Credit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]	Bank Name	Comments	

Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Receipt / Credit Transactions							Transaction Detail from Account Statement (Source of name if no supporting documentation provided)
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]	Bank Name	Comments	

VI Al Aqsa Foundations:

A - Al Aqsa Foundation of S.A.

Al Aqsa Foundation of S.A. Totals													

B - Al Aqsa (Belgium) [ASBL Al-Aqsa]

Al Aqsa (Belgium) [ASBL Al-Aqsa] Totals													

C - Al Aqsa (Germany)

Al Aqsa (Germany) Totals													

D - Al-Aqsa Spannmal Stiftelse

Notes:
[A] - Source of exchange rate is www.oanda.com.

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Detail of Identified Receipt / Credit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Receipt / Credit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)		
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Receipts / Credit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number(s)	Donor's Account Number / IBAN	Source of Receipt / Credit [B]		Bank Name	Comments
Al-Aqsa Spannmal Stiftelse Totals						6		\$ 152,644.72						

E - Al-Gameyah Al-Khereyah Lenasrat Al-Aqsa Al-Shareef

Al-Gameyah Al-Khereyah Lenasrat Al-Aqsa Al-Shareef Totals													

F - Stichting Al-Aqsa (Al Aqsa Holland)

Stichting Al-Aqsa Totals													

G - Al-Aqsa Foundation

Al-Aqsa Foundation Totals													
Al Aqsa Foundations (A through G) Totals													

VII CBSP

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Notes:
[A] - Source of exchange rate is www.oanda.com.

[B] - The names may have variations due to translating Arabic names into English, typographical errors, or branch office of main organization.

Exhibit E

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Payment / Debit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Payment / Debit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)	
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Payment / Debit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Transfer Number	Account Number or IBAN		Beneficiary's Name [B]

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Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The source of receipt / credit names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Payment / Debit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Payment / Debit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)	
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Payment / Debit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Transfer Number	Account Number or IBAN		Beneficiary's Name [B]

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IV World Assembly of Muslin Youth (WAMY)

												Al Raheel Dawliah and Investment	

World Assembly of Muslin Youth (WAMY) Totals

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Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The source of receipt / credit names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization.

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Payment / Debit Transactions from Selected Organizations / Individuals

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Payment / Debit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)		
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Payment / Debit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Transfer Number	Account Number or IBAN		Beneficiary's Name [B]	Bank Name
Palestinian Association in Austria (PVOE) Totals					0			\$	-					

VI Al Aqsa Foundations:

A - Al Aqsa Foundation of S.A.

							1.0000	\$ -						
Al Aqsa Foundation of S.A. Totals					0			\$ -						

B - Al Aqsa (Belgium) [ASBL Al-Aqsa]

							1.0000	\$ -						
Al Aqsa (Belgium) [ASBL Al-Aqsa] Totals					0			\$ -						

C - Al Aqsa (Germany)

							1.0000	\$ -						
Al Aqsa (Germany) Totals					0			\$ -						

D - Al-Aqsa Spannmal Stiftelse

							1.0000	\$ -						
Al-Aqsa Spannmal Stiftelse Totals					0			\$ -						

E - Al-Gameyah Al-Kherayah Lenasrat Al-Aqsa Al-Shareef

							1.0000	\$ -						
Al-Gameyah Al-Kherayah Lenasrat Al-Aqsa Al-Shareef Totals					0			\$ -						

Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The source of receipt / credit names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Payment / Debit Transactions from Selected Organizations / Individuals**

Sorted by Organization / Individual Name and Transaction Date from Account Statements

Information from Account Statements							Information for Identified Payment / Debit Transactions					Transaction Detail from Account Statement (Source of name if no supporting documentation provided)	
Ref #	Bates Number	Transaction Date	Year	Account Number	Currency	Payment / Debit Amount	British Sterling / Euro to US Dollar Exchange Rate [A]	Converted US Dollar Amount	Bates Number	Transfer Number	Account Number or IBAN		Beneficiary's Name [B]

F - Stichting Al-Aqsa (Al Aqsa Holland)

							1.0000	\$ -						
Stichting Al-Aqsa Totals					0			\$ -						

G - Al-Aqsa Foundation

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Al-Aqsa Foundation Totals

Al Aqsa Foundations (A through G) Totals

VII CBSP

					\$0.00		1.0000	\$ -						
CBSP Totals					0			\$ -						

Selected Organizations / Individuals (I through VII) Totals

\$ 2,146,292.87

Notes:

[A] - Source of exchange rate is www.oanda.com.

[B] - The source of receipt / credit names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization

Exhibit F

Strauss, et al. v. Crédit Lyonnais, S.A.
Wolf, et al. v. Crédit Lyonnais, S.A.
Weiss, et al. v. National Westminster Bank, PLC
Applebaum, et al. v. National Westminster Bank, PLC

Documents Considered for Supplemental Report 12/28/10

- | | |
|---------------------|--|
| NW000001 – NW192047 | Account applications; account statements; deposit and disbursement records; wire transfer instructions; wire transfer confirmations; and electronic payment messaging instructions for eighteen (18) Interpal Nat West bank accounts. Various Nat West organization charts; e-mails; correspondents; reports; and banking manuals. |
| NW192046 – NW194092 | Volume 46 – Including information similar to documents described above. |
| NW201038 – NW212106 | Volume 58 – Including information similar to documents described above. |

Exhibit G

WAYNE D. GEISSER, CPA, CVA, CFE, CFF

EXPERIENCE:

1989 – present **Managing Director / Principal** - Nihill & Riedley, P.C.

1986 - 1989 **Associate**

Practice concentration in forensic accounting. Responsible for management, development and analysis of various accounting, auditing and financial evaluation cases, generally involving matters under litigation. Matters have included: evaluation of business and economic losses, shareholder disputes, various types of financial fraud, business valuations, preparation of financial projections, analysis of securities trading activities, employee dishonesty audits and investigations, studies of internal control, preparation of fidelity bond claims, evaluation of compliance with professional accounting / tax preparation standards. Provided analysis and opinions regarding misstated financial statements, including those involving publicly traded securities. Performed analysis of various private placement and tax shelter programs. Evaluated Medicare/Medicaid claims on behalf of various hospitals, physicians other health care providers and the government, including matters brought under the False Claims Act. Provided assistance to attorneys in analyzing records and interviewing witnesses in connection with various civil and criminal matters and internal corporate investigations. Served as Receiver and in other fiduciary capacities in various matters. Represented clients in connection with audits/investigations by various federal agencies including the U.S. Securities and Exchange Commission, Philadelphia Stock Exchange/FINRA, Internal Revenue Service, and the Departments of Defense and Health and Human Services. Served as consultant to the Pennsylvania State Treasurer in connection with various matters including review of internal controls associated with the Pennsylvania Short Term Investment Pool. Testified as an expert witness.

1982 - 1986 **Chief, Branch of Accountants and Investigators** - U.S. Securities and Exchange Commission.

1979 - 1982 **Senior Staff Accountant** - U.S. Securities and Exchange Commission (SEC).

Planned, conducted and supervised civil and criminal investigations involving violations of the federal securities laws. Cases involved a wide range of issues, including: dissemination of false financial statements by issuers, adequacy of audits conducted by certifying accountants, evaluation of securities offerings including "tax shelter" private placements, fraudulent brokerage practices, sale of unregistered securities and insider trading. Extensive experience in managing complex, document-intensive cases, taking investigative testimony and debriefing witnesses. Worked in close cooperation with SEC enforcement attorneys, U.S. Attorney's office, FBI and IRS. Successful resolution of investigations included criminal prosecutions, civil injunctive actions and administrative proceedings.



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WAYNE D. GEISSER, CPA, CVA, CFE, CFF

Page 2

1972 - 1979

Revenue Agent - Internal Revenue Service.

Performed audits of diverse range of federal corporate, partnership and individual tax returns. Prepared audit plans, audited returns, conducted closing negotiations and prepared cases for appeal. Assisted in grand jury investigations involving criminal tax violations.

EDUCATION AND PROFESSIONAL AFFILIATIONS

- Certified Public Accountant licensed in Pennsylvania
- Certified Valuation Analyst, National Association of Certified Valuation Analysts
 - Certificate of Educational Achievement in Valuing Intangible Assets
- Certified Fraud Examiner, Association of Certified Fraud Examiners
- Certified in Financial Forensics, American Institute of Certified Public Accountants
- Graduate Studies in Accounting and Auditing, Drexel University
- Bachelor of Business Administration, Temple University
- Member, Pennsylvania Institute of Certified Public Accountants
- Member, American Institute of Certified Public Accountants

OTHER

- Guest lecturer on accounting, auditing, economic damages and financial investigation topics at Villanova University School of Law; Temple University School of Law, Continuing Education Program; Temple University; Drexel University; St. Joseph's University; Philadelphia Association of Defense Counsel; and The Association of Certified Fraud Examiners.
- Letter of Commendation, William S. Sessions, Director Federal Bureau of Investigation.
- Letter of Commendation, William H. Webster, Director Federal Bureau of Investigation.
- Special Achievement Award - Outstanding Work in Fraud Program, Internal Revenue Service.



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A Professional Corporation

WAYNE D. GEISSER, CPA, CVA, CFE, CFF
Page 3

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

- Trained and served as an Arbitrator for both the NASD and American Arbitration Association. Also retained independently to provide Alternative Dispute Resolution Services.

COURT APPOINTMENTS

- Receiver, AYM Financial Corporation – In connection with the matter captioned: Securities and Exchange Commission v. AYM Financial Corporation et al. - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable John R. Padova) 2000
- Receiver, Fountainhead Fund, LP / Fountainhead Asset Management, LLC – In connection with the captioned matter: Securities & Exchange Commission v. Anthony Postiglione et al. - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable Legrome D. Davis) 2004
- Receiver, Payment Processing Center, LLC - In the connection with the matter captioned: United States v. Payment Processing Center, LLC et al. - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable John R. Padova / Honorable R. Barclay Surrick) 2006
- Claims Master – In connection with the matter captioned: Faloney v. Wachovia Bank - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable Timothy R. Rice) 2008
- Receiver, NHS Systems Inc. - In connection with the matter captioned: Federal Trade Commission v. NHS Systems Inc. - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable Lewis H. Pollak) 2008
- Advisor to the Court - In connection with the matter captioned: United States v. John P. Karoly, Jr. - Appointed under the jurisdiction of the United States District Court, Philadelphia (Honorable Lawrence F. Stengel) 2010
- Temporary Custodian of Affairs - In connection with the matter captioned: Cognetx Inc. v. Robert Houghton et al. - Appointed under the jurisdiction of the Court of Common Pleas, Bucks County, PA (Honorable Robert J. Mellon) 2010

WAYNE D. GEISSER, CPA, CVA, CFE, CFF
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TESTIMONY GIVEN BY WAYNE D. GEISSER, CPA, CPA, CFE, CFF (since 2006)

- Ronald J. Smolow, Individually and on behalf of all persons and entities similarly situated v. Barbara Hafer, Treasurer, Commonwealth of Pennsylvania
U.S. District Court for the Eastern District of Pennsylvania, testimony by deposition (2006)
- United States of America v. Payment Processing Center, LLC et al.
U.S. District Court for the Eastern District of Pennsylvania (2006) (1), (2007) (1)
- Postiglione v. Postiglione
Chester County Court of Common Pleas (2008)
- Spiegel v. Sam Group Inc., et al.
Montgomery County Court of Common Pleas / Arbitration – ADR Options (2008)
- Arrowood Indemnity Company, f/k/a, Royal Indemnity Company v. Hartford Fire Insurance Co.
U.S. District Court for the District of Delaware (2010), testimony by deposition
- Strauss et al. v. Credit Lyonnais S.A.
U.S. District Court for the Southern District of New York (2010), testimony by deposition
- Peter Bruni et al. v. Stifel Nicholas & Company Inc. et al.
FINRA Dispute Resolution Inc. (2010)

12.23.10

EXHIBIT 38 to Declaration of Joel Israel

In The Matter Of:

*TZVI WEISS, et al - NATAN APPLEBAUM, et al v.
NATIONAL WESTMINSTER BANK, PLC.*

BELINDA LANE

Vol. 1

June 24, 2008



Original File 6-24-08 Lane Day 1 FINAL.txt

Min-U-Script® with Word Index

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF NEW YORK</p> <p>3 -----x</p> <p>4 Plaintiffs,</p> <p>5 -against-</p> <p>6 NATIONAL WESTMINSTER BANK, PLC,</p> <p>7 Defendant.</p> <p>8 -----x</p> <p>9 NATAN APPLEBAUM, et al.,</p> <p>10 Plaintiffs,</p> <p>11 -against-</p> <p>12 NATIONAL WESTMINSTER BANK, PLC,</p> <p>13 Defendant.</p> <p>14 -----x</p> <p>15 * HIGHLY CONFIDENTIAL *</p> <p>16 VIDEOTAPED DEPOSITION of BELINDA LANE,</p> <p>17 taken before Cheryl Kerr, a Notary Public</p> <p>18 and a Shorthand Reporter, held at the offices</p> <p>19 of Cleary, Gottlieb, Steen & Hamilton, LLP,</p> <p>20 located at 55 Basinghall Street, London,</p> <p>21 England on Tuesday, the 24th day of June,</p> <p>22 2008, at 9:38 a.m.</p> <p>23</p> <p>24</p> <p>25</p>		<p>1</p> <p>2 EXAMINATION BY:</p> <p>3 Mr. Werbner</p> <p>4</p> <p>5 EXHIBITS</p> <table border="1"> <thead> <tr> <th>LANE FOR ID</th> <th>DESCRIPTION</th> <th>PAGE</th> </tr> </thead> <tbody> <tr> <td>6 Exhibit 1</td> <td>Letter dated January 20, 2000, Bates No. NW 13431</td> <td>6</td> </tr> <tr> <td>8 Exhibit 2</td> <td>Credit assessment, Bates Nos. NW 13316 - NW 13317</td> <td>6</td> </tr> <tr> <td>9 Exhibit 3</td> <td>Meeting synopsis, March 20, 2002, Bates No. NW 13637</td> <td>6</td> </tr> <tr> <td>10 Exhibit 4</td> <td>Transmission note, Bates No. 13197</td> <td>6</td> </tr> <tr> <td>12 Exhibit 5</td> <td>Memorandum dated July 9, 2002, Bates No. NW 13333</td> <td>6</td> </tr> <tr> <td>13 Exhibit 6</td> <td>Memorandum dated July 15, 2002. Bates No. NW 13332</td> <td>6</td> </tr> <tr> <td>15 Exhibit 7</td> <td>Memorandum dated August 1, 2002, Bates No. NW 13347</td> <td>6</td> </tr> <tr> <td>16 Exhibit 8</td> <td>Fax dated August 6, 2002, Bates Nos. NW 13347- 13355</td> <td>6</td> </tr> <tr> <td>17 Exhibit 9</td> <td>Document bearing Bates No. 13346</td> <td>6</td> </tr> <tr> <td>18 Exhibit 10</td> <td>Memorandum bearing fax date October 10, 2005, Bates No. NW 13636</td> <td>6</td> </tr> <tr> <td>19 Exhibit 11</td> <td>Meeting synopsis, January 27, 2003, Bates No. NW 13639</td> <td>6</td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24 (Continued)</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	LANE FOR ID	DESCRIPTION	PAGE	6 Exhibit 1	Letter dated January 20, 2000, Bates No. NW 13431	6	8 Exhibit 2	Credit assessment, Bates Nos. NW 13316 - NW 13317	6	9 Exhibit 3	Meeting synopsis, March 20, 2002, Bates No. NW 13637	6	10 Exhibit 4	Transmission note, Bates No. 13197	6	12 Exhibit 5	Memorandum dated July 9, 2002, Bates No. NW 13333	6	13 Exhibit 6	Memorandum dated July 15, 2002. Bates No. NW 13332	6	15 Exhibit 7	Memorandum dated August 1, 2002, Bates No. NW 13347	6	16 Exhibit 8	Fax dated August 6, 2002, Bates Nos. NW 13347- 13355	6	17 Exhibit 9	Document bearing Bates No. 13346	6	18 Exhibit 10	Memorandum bearing fax date October 10, 2005, Bates No. NW 13636	6	19 Exhibit 11	Meeting synopsis, January 27, 2003, Bates No. NW 13639	6	22			23			24 (Continued)			25																														
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<p>1 APPEARANCES:</p> <p>2 KOHN, SWIFT & GRAF, P.C.</p> <p>3 Attorneys for Plaintiff Tzvi Weiss</p> <p>4 One South Broad Street, Suite 2100</p> <p>5 Philadelphia, Pennsylvania 19107-3304</p> <p>6 BY: STEPHEN H. SCHWARTZ, ESQ.</p> <p>7 SAYLES WERBNER, P.C.</p> <p>8 Attorneys for Plaintiff NATAN APPLEBAUM</p> <p>9 4400 Renaissance Tower</p> <p>10 1201 Elm Street</p> <p>11 Dallas, Texas 75270</p> <p>12 BY: MARK S. WERBNER, ESQ.</p> <p>13 CLEARY GOTTlieb STEEN & HAMILTON, LLP</p> <p>14 Attorneys for Defendant National</p> <p>15 Westminster Bank, PLC</p> <p>16 One Liberty Plaza</p> <p>17 New York, New York 10006-1470</p> <p>18 BY: LAWRENCE B. FRIEDMAN, ESQ.</p> <p>19 PATRICK SHELDON, ESQ.</p> <p>20 GLANCY BINKOW & GOLDBERG, LLP</p> <p>21 Attorneys for Plaintiff Tzvi Weiss</p> <p>22 1430 Broadway, Suite 1603</p> <p>23 New York, New York 10018</p> <p>24 BY: ANDREW FRIEDMAN, ESQ. (OF COUNSEL)</p> <p>25 Also Present: Jackie Sheftali, NatWest; Simon Rutson, Videographer</p> <p>*****</p>		<p>1 EXHIBITS (Cont'd)</p> <table border="1"> <thead> <tr> <th>LANE FOR ID</th> <th>DESCRIPTION</th> <th>PAGE</th> </tr> </thead> <tbody> <tr> <td>2 Exhibit 12</td> <td>Document bearing Bates No. NW 13357</td> <td>6</td> </tr> <tr> <td>3 Exhibit 13</td> <td>Document bearing Bates Nos. NW 12965-12966</td> <td>6</td> </tr> <tr> <td>4 Exhibit 14</td> <td>Letter dated September 24, 2003, Bates No. NW 17132</td> <td>6</td> </tr> <tr> <td>5 Exhibit 15</td> <td>(No document was marked)</td> <td>6</td> </tr> <tr> <td>6 Exhibit 16</td> <td>Letter dated June 20, 2001, Bates No. NW 13415</td> <td>6</td> </tr> <tr> <td>7 Exhibit 17</td> <td>Document bearing Bates No. NW 10642</td> <td>6</td> </tr> <tr> <td>8</td> <td></td> <td></td> </tr> <tr> <td>9 REQUESTS FOR PRODUCTION</td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> </tr> <tr> <td>11 DESCRIPTION</td> <td></td> <td></td> </tr> <tr> <td>12 Bank Line Payment Manager</td> <td></td> <td></td> </tr> <tr> <td>13 applications</td> <td></td> <td></td> </tr> <tr> <td>14</td> <td></td> <td></td> </tr> <tr> <td>15</td> <td></td> <td></td> </tr> <tr> <td>16</td> <td></td> <td></td> </tr> <tr> <td>17</td> <td></td> <td></td> </tr> <tr> <td>18</td> <td></td> <td></td> </tr> <tr> <td>19</td> <td></td> <td></td> </tr> <tr> <td>20</td> <td></td> <td></td> </tr> <tr> <td>21</td> <td></td> <td></td> </tr> <tr> <td>22</td> <td></td> <td></td> </tr> <tr> <td>23</td> <td></td> <td></td> </tr> <tr> <td>24</td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> </tr> </tbody> </table>	LANE FOR ID	DESCRIPTION	PAGE	2 Exhibit 12	Document bearing Bates No. NW 13357	6	3 Exhibit 13	Document bearing Bates Nos. NW 12965-12966	6	4 Exhibit 14	Letter dated September 24, 2003, Bates No. NW 17132	6	5 Exhibit 15	(No document was marked)	6	6 Exhibit 16	Letter dated June 20, 2001, Bates No. NW 13415	6	7 Exhibit 17	Document bearing Bates No. NW 10642	6	8			9 REQUESTS FOR PRODUCTION			10			11 DESCRIPTION			12 Bank Line Payment Manager			13 applications			14			15			16			17			18			19			20			21			22			23			24			25			
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<p>HIGHLY CONFIDENTIAL Page 5</p> <p>1 THE VIDEOGRAPHER: This is the 2 beginning of Tape 1 Volume 1 in the 3 deposition of Belinda Lane, taken on the 4 24th of June, 2008 at 9:38 a.m. as 5 indicated on the video screen. 6 This deposition is being taken in the 7 matter of Tzvi Weiss, et al., and National 8 Westminster Bank PLC, Civil Action 9 No. 05-CV4622, (CPS) (KAM), also in the 10 matter of Natan Applebaum, et al., against 11 National Westminster Bank PLC, Civil 12 Action No. 07-CV-916 (CPS) (KAM), both 13 being heard in the United States District 14 Court for the Eastern District of New 15 York. 16 The office -- the deposition is 17 taking place at the offices of Cleary 18 Gottlieb. The court reporter is Cheryl 19 Kerr. The videographer is Simon Rutson, 20 both of European Deposition Services. 21 Would counsel present please introduce 22 themselves? 23 MR. WERBNER: My name is Mark Werbner 24 from the Dallas law firm of Sayles & 25 Werbner. I represent the Applebaum family</p>	<p>HIGHLY CONFIDENTIAL Page 7</p> <p>1 as follows: 2 DIRECT EXAMINATION BY MR. WERBNER: 3 Q. Would you state your full name, please, 4 ma'am? 5 A. Belinda Lane. 6 Q. Ms. Lane, as you just heard, my name is 7 Mark Werbner. I am from Dallas, Texas, and I 8 represent a variety of families, a number of 9 families that have brought a lawsuit against the 10 NatWest Bank. Are you aware of that? 11 A. Yes. 12 Q. Where do you currently live, personally? 13 MR. L. FRIEDMAN: You want her to 14 give her home address? 15 MR. WERBNER: Yes. 16 MR. L. FRIEDMAN: Okay. We will mark 17 this transcript highly confidential, and 18 just so you know, in light of that, no one 19 is allowed to see what is in the 20 transcript other than the lawyers on the 21 case. 22 THE WITNESS: 134 Burnway, 23 Hornchurch, Essex. 24 BY MR. WERBNER: 25 Q. How long have you lived at that address?</p>
<p>HIGHLY CONFIDENTIAL Page 6</p> <p>1 and other families that have brought a 2 case against NatWest. 3 MR. SCHWARTZ: My name is Stephen 4 Schwartz from the law firm of Kohn, Swift 5 & Graf, Philadelphia, Pennsylvania. I 6 represent the Weiss plaintiffs. 7 MR. A. FRIEDMAN: Andrew Friedman of 8 Glancy Binkow & Goldberg, 430 Park Avenue, 9 New York, New York, and I also represent 10 the Weiss plaintiffs. 11 MR. L. FRIEDMAN: Lawrence Friedman 12 from Cleary, Gottlieb, Steen & Hamilton on 13 behalf of defendant, National Westminster 14 Bank, and the witness. 15 THE VIDEOGRAPHER: Can you -- 16 MR. L. FRIEDMAN: With me is my 17 colleague, Patrick Sheldon and also Jackie 18 Sheftali who is internal counsel at 19 National Westminster Bank. 20 (Thereupon, Lane Exhibits No. 1 21 through 17 were premarked by the reporter 22 for identification.) 23 BELINDA LANE, 24 called as a witness, having been duly 25 sworn, was examined and testified</p>	<p>HIGHLY CONFIDENTIAL Page 8</p> <p>1 A. About 15 years. 2 Q. Have any plans to move? 3 A. No. 4 Q. Are you married or single? 5 A. Single. Divorced. 6 Q. All right. Do you have children? 7 A. Yes. 8 Q. All right. What are their ages? 9 A. Fourteen, a son. 10 Q. One child? 11 A. (Nodding). 12 Q. Or you could have had twins that were 14. 13 That's why I -- 14 How long have you worked for NatWest or 15 whatever the affiliate might have been called? 16 A. Twenty-seven -- almost 27 years. 17 Q. And what is your current job title and 18 for whom is that employment? 19 A. I am senior commercial manager in real 20 estate finance in Gloucester Road -- sorry. 21 Grosvenor Street in Mayfair. 22 Q. Have you ever worked at the Gloucester 23 Road? 24 A. No. 25 Q. Okay, because I was just by the NatWest</p>

<p>HIGHLY CONFIDENTIAL Page 69</p> <p>1 BY MR. WERBNER: 2 Q. And were -- whether you were meeting 3 these income targets, was that something reviewed 4 with you on some kind of quarterly or annual basis? 5 A. Yes, an annual basis, and generally, we 6 would have several meetings during the year as well 7 to discuss whether you were on target or not. 8 Q. Who did you have those meetings with? 9 A. Chris Cook and David Roe. 10 Q. Would there be written materials about 11 that from time to time? 12 MR. L. FRIEDMAN: Object to the form. 13 THE WITNESS: Only annually. 14 BY MR. WERBNER: 15 Q. What kind annually was there? 16 A. We had an annual appraisal. 17 Q. What did you call that? 18 A. A and D. 19 Q. A and D? 20 A. Appraisal and development. 21 Q. Appraisal and development. Thank you. 22 How were you doing? 23 MR. L. FRIEDMAN: Object to the form. 24 THE WITNESS: Good. 25 BY MR. WERBNER:</p>	<p>HIGHLY CONFIDENTIAL Page 71</p> <p>1 Q. Let me tell you what I think, and only 2 because I am just trying to -- to get to it. 3 It sounded to me like you got monthly reports 4 that listed your customers and would show the income 5 for each customer that was being generated for the 6 bank, and then maybe those were automatically or 7 able to be summed up. 8 I mean, is that right or not? 9 A. Yes. 10 Q. Okay, so put it into your own words and 11 how you would therefore keep these monthly reports 12 and then track them to monitor your progress. 13 Put that in your own words. 14 A. Each month we received a statement 15 detailing the income for each customer, and a total, 16 and that you -- compare that against mine, my annual 17 target. 18 Q. And Interpal was among the top of your 19 customers through the time that you were in 20 Islington, at least, right? 21 A. What do you mean by "top in my 22 customers"? 23 Q. Income earning towards your goal. 24 A. It had one of the highest incomes out of 25 all of my customers, yes.</p>
<p>HIGHLY CONFIDENTIAL Page 70</p> <p>1 Q. That's why you got promoted, right? 2 A. One of the reasons. 3 Q. Were you meeting all your income targets? 4 A. I was at Islington three years. I think 5 the last two years I certainly exceeded my income 6 target. 7 Q. Which are the years you have in mind, by 8 virtue of your last answer? 9 A. 2000 through and 2001. 10 Q. How did you do in '02 and '03? 11 A. I was a new relationship manager in 12 commercial with a brand-new portfolio. 2002, I -- I 13 can't recall specifically. I can't recall. I think 14 I was thereabouts in 2002, and 2003 I can't 15 remember. 16 Q. But these A and Ds -- annual appraisal 17 and developments -- should reflect that? 18 A. Yes. 19 Q. And who maintains custody of those? 20 A. Either the area managers or -- I don't 21 know if they are sent to another department or not 22 now. 23 Q. How was, in general, these income targets 24 measured and calculated? 25 A. (No response.)</p>	<p>HIGHLY CONFIDENTIAL Page 72</p> <p>1 Q. So out of 300 or so customers, is it true 2 that Interpal was one of the very top income earners 3 towards your goal? 4 MR. L. FRIEDMAN: Object to the form. 5 THE WITNESS: Yes -- 6 BY MR. WERBNER: 7 Q. And -- 8 A. -- and no. Can I expand a little? 9 Their income was pretty much the same for 10 several years, so although it was a top income- 11 earning customer, I have to expand and grow my 12 customers, and whilst -- 13 Whilst it -- it was one of the higher income- 14 earning customers, it wasn't really contributing 15 towards my target, because it wasn't growing, 16 because each year, I have to increase the income 17 that each customer produces. 18 Q. I mean, is that real clear in your mind, 19 thinking back four or five years, without having the 20 documents in front of you? Are you that certain of 21 that? 22 A. It is clear, because I chose not to take 23 Interpal with me, and my director instructed me to 24 bring it, because he could see that it was a high 25 income-earning customer, but because I felt there</p>

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1 was no potential for me to grow that customer, I
 2 didn't want to bring it with me.
 3 Q. Did you -- did you say that to anyone?
 4 A. Yes, I did.
 5 Q. Who did you say that to?
 6 A. Paul.
 7 Q. Paul who?
 8 A. Paul -- Paul Croucher --
 9 Q. And what did he say?
 10 A. -- my director.
 11 Q. And what did he say?
 12 A. He instructed me to transfer the account
 13 with me.
 14 Q. And what did you say?
 15 A. I had to do as I was instructed.
 16 Q. Were there any emails or memos concerning
 17 that?
 18 A. There may have been. I had to produce a
 19 list for him of the top income earning customers. I
 20 don't recall whether I sent that by email or hand
 21 wrote it. I -- I can't clearly remember.
 22 Q. While you were at the Islington business
 23 center, did you have an email on the NatWest system?
 24 A. No, I don't believe I did then.
 25 Q. How did you send email, then?

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1 A. Well, it was when I was at Romford I then
 2 had email, so I am saying I may have sent one to
 3 Paul Croucher. I can't recall. We may have just
 4 had a discussion about it.
 5 Q. But how could you have sent an email at
 6 Islington?
 7 A. I didn't say I sent an email at
 8 Islington.
 9 Q. I am not saying that you said you did,
 10 but did you have the ability --
 11 A. No.
 12 Q. -- to send email?
 13 So you didn't send any emails while you were at
 14 Islington?
 15 A. No.
 16 Q. Because you didn't have email?
 17 A. No.
 18 Q. That's right?
 19 A. Yes.
 20 Q. Did you have occasion to deliver typed
 21 memoranda, or was everything that you presented
 22 handwritten while you were at the Islington business
 23 center?
 24 A. Oh, no. I had access to Word and Excel.
 25 Q. And did you create documents during that

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1 period of your work?
 2 A. Yes.
 3 Q. Did you do so on a routine basis?
 4 A. Yes.
 5 MR. L. FRIEDMAN: Object to the form.
 6 BY MR. WERBNER:
 7 Q. What kind of documents did you create on
 8 a routine basis that would deal, say, with your
 9 customers?
 10 A. Interview notes.
 11 Q. Anything else?
 12 A. Advances reports.
 13 Q. What is that?
 14 A. When we have to prepare an application
 15 for credit facilities to our credit office.
 16 Q. Okay. What --
 17 A. Letters.
 18 Q. Letters? What else?
 19 A. Any table I might want to construct for
 20 my -- for myself or spreadsheets, because we had
 21 Excel.
 22 Q. Why was Interpal generating one of the
 23 top income amounts of your portfolio of
 24 300 customers?
 25 A. It was purely from credit balances.

HIGHLY CONFIDENTIAL Page 76

1 Q. And why was that so profitable for the
 2 bank?
 3 MR. L. FRIEDMAN: Object to the form.
 4 THE WITNESS: They -- they -- because
 5 of the volume of credit balances they
 6 held.
 7 BY MR. WERBNER:
 8 Q. Isn't it also because they did not, like
 9 other customers, take interest on those large
 10 deposits?
 11 A. Who is -- who is "they"?
 12 Q. Interpal.
 13 A. And who are "customers"? Their
 14 customers?
 15 Q. No, your other customers.
 16 A. Sorry. Could you repeat the question?
 17 Q. Yeah.
 18 Did Interpal, with those large balances at
 19 NatWest -- were they paid interest?
 20 A. No.
 21 Q. Were most of the customers among your 300
 22 that had large balances paid interest?
 23 A. Yes.
 24 Q. So this was a very special benefit to
 25 NatWest as far as that Interpal accounts, right?

<p>HIGHLY CONFIDENTIAL</p> <p>Page 77</p> <p>1 MR. L. FRIEDMAN: Object to the form.</p> <p>2 THE WITNESS: I don't know what</p> <p>3 "special" means. It wasn't considered a</p> <p>4 special account.</p> <p>5 BY MR. WERBNER:</p> <p>6 Q. Well, among your 300 accounts that we</p> <p>7 have been discussing while you were the relationship</p> <p>8 manager at Islington, how many had large balances</p> <p>9 that were not paid interest?</p> <p>10 A. I can't remember out of 300.</p> <p>11 Oh, who didn't receive interest? Interpal</p> <p>12 would have been the only one.</p> <p>13 Q. So that was unusual?</p> <p>14 A. Yes.</p> <p>15 Q. And that enhanced your meeting your</p> <p>16 target goals, because --</p> <p>17 A. No.</p> <p>18 Q. Well, if they had been paid interest,</p> <p>19 that is, Interpal, on these large balances, like the</p> <p>20 other 299 customers you had, then it would have been</p> <p>21 less income for the bank, correct?</p> <p>22 MR. L. FRIEDMAN: Object to the form.</p> <p>23 THE WITNESS: No, because the</p> <p>24 interest that we paid customers wasn't</p> <p>25 taken into account in the calculation of</p>	<p>HIGHLY CONFIDENTIAL</p> <p>Page 79</p> <p>1 Q. How the income for the bank was</p> <p>2 calculated for each customer, and whether or not as</p> <p>3 to Interpal, where no interest was being paid by the</p> <p>4 bank to Interpal, that resulted in that figure being</p> <p>5 larger than for all the other customers who did get</p> <p>6 interest for their deposits.</p> <p>7 MR. L. FRIEDMAN: Object to the form.</p> <p>8 THE WITNESS: Can you just clarify</p> <p>9 what the question was again?</p> <p>10 MR. WERBNER: Yeah.</p> <p>11 BY MR. WERBNER:</p> <p>12 Q. Can you be sure, without having those PRS</p> <p>13 reports in front of you --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- that the income that the bank was</p> <p>16 receiving for Interpal wasn't larger on those</p> <p>17 reports, because they weren't getting interest in</p> <p>18 the way that all the other customers were?</p> <p>19 MR. L. FRIEDMAN: Object to the form.</p> <p>20 THE WITNESS: I -- I don't -- I don't</p> <p>21 believe those statements would detail</p> <p>22 whether it was netted off or not.</p> <p>23 I think I would need to go beyond</p> <p>24 those printouts and check with someone</p> <p>25 centrally who produced them.</p>
<p>HIGHLY CONFIDENTIAL</p> <p>Page 78</p> <p>1 the income that we received.</p> <p>2 BY MR. WERBNER:</p> <p>3 Q. Are you sure?</p> <p>4 A. Not 100 percent sure, I would want to</p> <p>5 check that, but the income statements that we</p> <p>6 received showed the benefit of -- showed -- showed</p> <p>7 the income that the bank received for holding credit</p> <p>8 balances for each customer, but it didn't offset the</p> <p>9 interest that was paid.</p> <p>10 So all I was -- all -- all we received on our</p> <p>11 statements -- it wasn't like a complete balance</p> <p>12 sheet (indicating). We just purely got detail of</p> <p>13 the income.</p> <p>14 Q. And --</p> <p>15 A. That -- I don't believe that was netted</p> <p>16 off -- I can't be 100 percent certain.</p> <p>17 Q. All right, so in fairness, without</p> <p>18 looking back at the PRS reports, you can't say?</p> <p>19 MR. L. FRIEDMAN: Object to the form.</p> <p>20 THE WITNESS: Not certainly, no.</p> <p>21 BY MR. WERBNER:</p> <p>22 Q. And it would be the PRS reports that you</p> <p>23 got, reviewed, and maintained monthly that would</p> <p>24 reflect that?</p> <p>25 A. Reflect what?</p>	<p>HIGHLY CONFIDENTIAL</p> <p>Page 80</p> <p>1 BY MR. WERBNER:</p> <p>2 Q. How would you do that?</p> <p>3 A. Well, I would -- I would speak to people</p> <p>4 within the bank who produced those printouts.</p> <p>5 Q. Who was that?</p> <p>6 A. Oh, I can't remember.</p> <p>7 Q. I mean, what department?</p> <p>8 A. They -- it was -- they have been called</p> <p>9 different names over the years. It's changed so</p> <p>10 many times. I wouldn't -- I can't remember.</p> <p>11 Q. Well, just as best you can.</p> <p>12 In other words, if -- if we want to try to go</p> <p>13 back and --</p> <p>14 A. Even now, I would have to look it up.</p> <p>15 Q. How would you look it up?</p> <p>16 A. On -- on our intranet.</p> <p>17 Q. How would you do that?</p> <p>18 A. Switch on the computer and go into the</p> <p>19 intranet.</p> <p>20 Q. And then what?</p> <p>21 A. Go into the Target and Rewards site, into</p> <p>22 the PRS site, and there would probably be a contact</p> <p>23 name on that site.</p> <p>24 Q. And what does Target and Rewards --</p> <p>25 A. That's just the -- the -- the name for</p>

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1 the whole system.
 2 Q. What system?
 3 A. The system under which PRS comes. The
 4 printouts are called PRS statements.
 5 Q. But regardless of whether the income that
 6 NatWest was earning because of Interpal not taking
 7 interest on their deposits -- regardless, it was
 8 still among the largest of your customers in terms
 9 of total income, right?
 10 A. Yes.
 11 MR. L. FRIEDMAN: Object to the form.
 12 BY MR. WERBNER:
 13 Q. Was it in the top 10 of those 300
 14 customers?
 15 A. Yes, because it was on the list that I
 16 provided to the director.
 17 Q. Where on the top 10 of your 300?
 18 A. I can't remember.
 19 Q. But somewhere in the top 10?
 20 A. Yes.
 21 Q. And was that the case during your entire
 22 association with Interpal?
 23 A. That it was in the top 10? No.
 24 Q. When did it get into the top 10?
 25 A. I don't know, because I only produced the

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1 printout at one point for my director, so prior to
 2 that, I don't know where it was, and subsequent to
 3 that, I don't know where it was.
 4 Q. You don't remember?
 5 A. (Shaking head.) I probably didn't even
 6 look.
 7 Q. Well, from time to time, people asked
 8 questions about Interpal, isn't that true?
 9 A. People? Sorry. I don't really
 10 understand the question.
 11 Q. You don't remember people from NatWest
 12 fraud and anti-money laundering from time to time
 13 asking you questions about Interpal?
 14 MR. L. FRIEDMAN: Object to the form.
 15 THE WITNESS: Yes, I remember -- not
 16 specifically, but I remember there were
 17 phone calls from various departments, yes.
 18 BY MR. WERBNER:
 19 Q. Well, what do you recall?
 20 A. I don't recall anything specific. It was
 21 a long time ago. There were a number of phone
 22 calls. One occasion, for example, when I had to
 23 stop -- stop the account at one point.
 24 Q. What do you remember about that?
 25 A. I was asked to stop the account.

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1 Q. By whom?
 2 A. I can't specifically remember. It would
 3 have been someone from the central unit, maybe money
 4 laundering prevention unit, group legal. I can't
 5 remember specifically.
 6 Q. Wasn't that unusual?
 7 MR. L. FRIEDMAN: Object to the form.
 8 THE WITNESS: No.
 9 BY MR. WERBNER:
 10 Q. You mean it wasn't unusual for the
 11 central anti-money laundering unit to call you and
 12 freeze the accounts of one of your customers?
 13 A. I meant it wasn't unusual to receive
 14 instructions from someone.
 15 Q. Was it unusual that you got a call from
 16 the central unit anti-money laundering, told that
 17 the Interpal account was frozen?
 18 MR. L. FRIEDMAN: Object to the form.
 19 THE WITNESS: I'm not sure which unit
 20 it was, but I understood that an
 21 investigation was being undertaken, and
 22 therefore the account had to be frozen.
 23 BY MR. WERBNER:
 24 Q. Was that the first time that such a thing
 25 had happened with one of your customers?

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1 A. No.
 2 Q. Was that unusual?
 3 MR. L. FRIEDMAN: Object to the form.
 4 THE WITNESS: It wasn't regular.
 5 BY MR. WERBNER:
 6 Q. Was it unusual?
 7 MR. L. FRIEDMAN: Object to the form.
 8 THE WITNESS: I am not really sure --
 9 it wasn't regular. If that means unusual,
 10 then yes, it wasn't regular.
 11 BY MR. WERBNER:
 12 Q. How many times were you contacted from
 13 the central unit about Interpal?
 14 A. I can't remember.
 15 Q. More than once?
 16 A. Yes.
 17 Q. More than twice?
 18 A. Yes.
 19 Q. More than three times?
 20 A. Yes.
 21 Q. More than four times?
 22 A. Probably.
 23 Q. More than five times?
 24 A. Probably.
 25 Q. More than 10 times?

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1 A. Now I am not sure.
2 Q. Was it unusual among your customers to be
3 getting those kind of inquiries?
4 MR. L. FRIEDMAN: Object to the form.
5 THE WITNESS: I wasn't receiving as
6 many inquiries on other customers, no.
7 BY MR. WERBNER:
8 Q. So it was unusual concerning Interpal --
9 MR. L. FRIEDMAN: Object to the form.
10 BY MR. WERBNER:
11 Q. -- fair?
12 A. Irregular.
13 Q. It was irregular?
14 A. (Nodding.)
15 Q. Correct?
16 A. Yes.
17 Q. And let me be sure I understand this,
18 Ms. Lane.
19 The income that a customer of yours like
20 Interpal was generating for NatWest would be more,
21 the larger their deposits were, correct?
22 A. Yes.
23 Q. And while you made the statement a short
24 time ago, I thought, that the Interpal deposits were
25 sort of flat, that's really not the case, is it?

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1 MR. L. FRIEDMAN: Object to the form.
2 THE WITNESS: It -- it depends what
3 period you are -- you are -- you are
4 talking about.
5 BY MR. WERBNER:
6 Q. Well, don't you recall, ma'am, that there
7 was a substantial increase in the amount of
8 Interpal's deposits at NatWest during 2001 and 2002
9 over prior years?
10 MR. L. FRIEDMAN: Object to the form.
11 THE WITNESS: I remember being told
12 by Interpal that deposits had gone up
13 following 9-11. I can't recall whether I
14 specifically checked that they had.
15 BY MR. WERBNER:
16 Q. But you would have been kept apprised of
17 the specifics of their increasing revenues from
18 their annual reports that you reviewed, if there
19 were an increase, correct?
20 A. Yes, but it would always be some
21 considerable time after the end of the year that we
22 received the annual accounts, so the annual accounts
23 I had on the file at the time could have been -- you
24 know, one or two years old.
25 Q. Well, they could have been, but wasn't

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1 it --
2 Do you recall that sometime in '02 you would
3 get the '01 report? Sometime in '03 you would get
4 the '02 report?
5 A. One would like to think so, but -- but I
6 can't remember specifically for Interpal. I had a
7 lot of customers, and a lot of customers were three
8 or four years out of date sending me their annual
9 accounts.
10 Q. How about Interpal?
11 A. I can't remember specifically. I can't
12 remember what the last set I saw on the file were.
13 Q. Well, what was expected by you for one
14 for your customers like Interpal --
15 A. You would --
16 Q. Go ahead:
17 A. I apologize.
18 You would expect to receive them within
19 270 days.
20 Q. All right, and so if this was a customer
21 that you found to be compliant and responsive to
22 your request, then you would have expected they were
23 giving you those annual reports at least sometime
24 during the next year for the prior year's income?
25 A. Yes, but it wasn't so important for an

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1 account that wasn't borrowing money.
2 Q. But it was important for you to meet your
3 target goals if those accounts were earning more and
4 more money as the deposits increased, correct?
5 MR. L. FRIEDMAN: Object to the form.
6 THE WITNESS: If -- if -- if deposits
7 increased, then yes, the income that my
8 portfolio received would increase.
9 BY MR. WERBNER:
10 Q. Was your salary impacted by the nature of
11 your meeting your -- your -- your quotas or your
12 targets?
13 A. No.
14 Q. Other than you were reviewed annually,
15 right, and those were discussed?
16 A. Yes.
17 Q. What happened to people that didn't make
18 them?
19 MR. L. FRIEDMAN: Object to the form.
20 THE WITNESS: I don't know.
21 BY MR. WERBNER:
22 Q. They didn't get promoted, did they?
23 MR. L. FRIEDMAN: Object to the form.
24 THE WITNESS: I don't know. I don't
25 know other people's details.

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1 BY MR. WERBNER:
 2 Q. Did your boss have targets?
 3 A. I would imagine so. They weren't ever
 4 discussed with me.
 5 Q. So your boss had a number of business
 6 managers like yourself reporting to him or her,
 7 correct?
 8 A. Which -- which boss are we talking about?
 9 Generally, or --
 10 Q. While you were dealing with Interpal,
 11 from '99 to '04.
 12 A. Right.
 13 Q. In that period of time, was your boss
 14 having a number of people like you report and going
 15 over their income targets with them?
 16 A. Yes.
 17 Q. And -- and did you understand that your
 18 boss' annual reviews occurred also?
 19 A. Yes.
 20 Q. And that -- that if he wanted to be
 21 promoted again, how well he was doing against his
 22 targets were important, right?
 23 MR. L. FRIEDMAN: Object to the form.
 24 THE WITNESS: Important, one of the
 25 important things, yes.

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1 BY MR. WERBNER:
 2 Q. Who told you from Interpal that their
 3 revenues were going up after 9-11?
 4 A. Jihad Qundil.
 5 Q. What did you say when he told you that
 6 they were getting more money after 9-11?
 7 A. I can't remember.
 8 Q. But did he specifically say because of
 9 9-11?
 10 A. Yes.
 11 Q. Now, was that surprising to you?
 12 A. No.
 13 Q. Why did you think Interpal's revenues
 14 would go up, would have anything to do with the
 15 attacks of September 11th, 2001?
 16 MR. L. FRIEDMAN: Object to the form.
 17 THE WITNESS: I didn't think that.
 18 He told me.
 19 BY MR. WERBNER:
 20 Q. Well, did you under-- strike that.
 21 Did you understand this man from Interpal to be
 22 telling you that the reason their revenues were
 23 going up was because of the September 11th terror
 24 attacks in New York?
 25 MR. L. FRIEDMAN: Object to the form.

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1 THE WITNESS: He told me that they
 2 were increasing following 9-11, because
 3 there was a lot more sympathy for the
 4 people, and people felt more obliged to
 5 make donations to help people.
 6 BY MR. WERBNER:
 7 Q. Because of the attack on the World Trade
 8 Center?
 9 MR. L. FRIEDMAN: Object to the form.
 10 THE WITNESS: I think it's just
 11 because of the media at the time, that it
 12 focused people's attention.
 13 BY MR. WERBNER:
 14 Q. Didn't that seem unusual to you?
 15 MR. L. FRIEDMAN: Object to the form.
 16 THE WITNESS: No.
 17 BY MR. WERBNER:
 18 Q. His explanation as to why Interpal's
 19 donations were increasing was because in part
 20 people's feeling about 9-11?
 21 MR. L. FRIEDMAN: Object to the form.
 22 THE WITNESS: I don't think it was
 23 people's feelings specifically about 9-11.
 24 We didn't have a very detailed
 25 conversation about it.

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1 He literally just told me that, you
 2 know, following that situation, the -- the
 3 deposits that they were receiving had just
 4 increased, and I didn't find it unusual.
 5 They are a charity.
 6 BY MR. WERBNER:
 7 Q. Were they helping victims of 9-11?
 8 A. I don't know.
 9 Q. Were they helping people that lived in
 10 New York City?
 11 A. I don't know.
 12 Q. You don't know?
 13 A. No.
 14 Q. Did you not look at all, during your time
 15 on the Interpal account, with the identity of the
 16 people they were sending money?
 17 A. That wasn't my responsibility.
 18 Q. Did you do it?
 19 A. I believe I did it on one occasion
 20 when --
 21 Q. Only -- go ahead.
 22 A. When -- when I was asked about a
 23 particular transaction, and I had to contact
 24 Interpal just to ask them the details of that
 25 transaction.

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1 Q. When was that?

2 A. I -- I can't remember the exact date.

3 Q. What was the nature of that particular

4 transaction that you were asked about?

5 A. Again, I can't remember the specific

6 detail. I hadn't previously recalled it, but I was

7 shown a document on Friday that -- that just sort of

8 jogged my memory a little bit, and I just remembered

9 telephoning the customer and asking them.

10 I -- I can't remember the -- the amounts and

11 the detail. If -- if I was shown the document

12 again, I would probably recall again.

13 Q. But was that the one and only time that

14 you, during your involvement with Interpal from '99

15 to '04, looked at all where they were sending money?

16 MR. L. FRIEDMAN: Object to the form.

17 THE WITNESS: I believe so. That

18 wasn't the nature of my job.

19 BY MR. WERBNER:

20 Q. Well, did you not consider that it was

21 your responsibility to make sure that your customer

22 wasn't doing anything suspicious?

23 MR. L. FRIEDMAN: Object to the form.

24 THE WITNESS: I don't have to -- I

25 have to report if I feel there is anything

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1 suspicious. I don't have to look every

2 day to see if there is anything

3 suspicious. That isn't the nature of my

4 job.

5 The nature of my job is to build

6 relationships with customers. I don't to

7 examine every transaction. I have to have

8 a -- an idea of what their business is,

9 how they receive their income, how they

10 apply their income, but I don't have to

11 know the detail of each specific payment

12 that they make. That -- that isn't --

13 that isn't my role.

14 BY MR. WERBNER:

15 Q. I am not asking you about every detail of

16 every single payment they made.

17 Didn't you in general have to know how they

18 were applying their payments?

19 A. I did know in general.

20 Q. How were they applying their payments?

21 That is, Interpal?

22 A. They sent payments to Palestine, the West

23 Bank, Gaza, Jordan. I obtained that information

24 through talking to them, and they explained that

25 they sent money to these places to help with

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1 children's orphanages, medical, welfare, and details

2 were also confirmed in the annual reports.

3 Q. And you took it at face value, correct?

4 MR. L. FRIEDMAN: Object. Object to

5 the form.

6 THE WITNESS: I did, yes.

7 BY MR. WERBNER:

8 Q. Did you ever do anything other than

9 accept their statements, either that they gave to

10 you verbally, or that they put in their reports?

11 A. I am not expected to.

12 Q. Did you ever do so?

13 A. I don't believe I did.

14 Q. And nothing that they told you or put in

15 their annual report said anything about the fact

16 that they were sending money to New York City or

17 anybody else who was a victim of the 9-11 terror

18 attacks, did it?

19 A. I don't recall that specifically, but

20 I -- I can't remember what was exactly in the annual

21 reports.

22 Q. Well, what you just testified to when you

23 explained how they were applying their payments was

24 that they were sending it to Palestine and Gaza, the

25 West Bank, Jordan?

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1 A. Uh-huh.

2 Q. You didn't say that they were sending any

3 money to the U.S., did you?

4 A. No.

5 Q. And you don't have any knowledge at any

6 time that they were, do you?

7 A. No.

8 Q. And so when you were given this

9 explanation for their increasing deposits after

10 2001, it was pretty lame, wasn't it, to say that it

11 was because of the 9-11, right?

12 MR. L. FRIEDMAN: I object to the

13 form.

14 THE WITNESS: It's not for me to

15 judge whether a statement someone makes is

16 lame. I -- I -- I --

17 BY MR. WERBNER:

18 Q. What did you think?

19 A. Well, I believe that some of the deposits

20 came from America.

21 Q. From the Holy Land Foundation?

22 MR. L. FRIEDMAN: Object to the form.

23 THE WITNESS: I don't know.

24 BY MR. WERBNER:

25 Q. Where do you think they were coming from?

<p>HIGHLY CONFIDENTIAL Page 97</p> <p>1 A. It's not my duty to think where something 2 is coming from, and it's not my duty to investigate 3 where something comes from. I just have to have a 4 general understanding of my client's business. 5 BY MR. WERBNER: 6 Q. Well, from your general under -- 7 A. I have 300 customers. 8 Q. But this was the No. 1 and only customer 9 that had large deposits that the bank wasn't paying 10 interest to, right? 11 A. Yes. 12 Q. This was -- 13 A. Not -- not the bank. The only one of my 14 customers, yes. 15 Q. And at the time that you were about to 16 leave, this was one of the top 10 income producers 17 among your 300, right? 18 A. At the time I was about to leave 19 Islington, yes. 20 Q. And at the time you were leaving, 21 Interpal was such a substantial income producer for 22 the bank that your new boss insisted that you bring 23 Interpal along with you into the new role, correct? 24 MR. L. FRIEDMAN: Object to the form. 25 THE WITNESS: Yes.</p>	<p>HIGHLY CONFIDENTIAL Page 99</p> <p>1 MR. L. FRIEDMAN: Were you made aware 2 by counsel of that? 3 THE WITNESS: Yes. 4 MR. L. FRIEDMAN: Okay. I direct you 5 not to answer any questions about that. 6 BY MR. WERBNER: 7 Q. I am asking you how do you feel about the 8 fact that NatWest has decided not to provide banking 9 services anymore to Interpal? 10 MR. L. FRIEDMAN: I object to the 11 question. How are her feelings relevant 12 to the case? 13 BY MR. WERBNER: 14 Q. Please answer the question. 15 MR. L. FRIEDMAN: I object to the 16 question. 17 If you have any feelings about it, 18 you can tell them. 19 THE WITNESS: I don't have any 20 feelings. I haven't even considered it. 21 BY MR. WERBNER: 22 Q. So it makes no difference to you one way 23 or the other, is that your testimony? 24 A. Yes. 25 MR. L. FRIEDMAN: Objection.</p>
<p>HIGHLY CONFIDENTIAL Page 98</p> <p>1 BY MR. WERBNER: 2 Q. Based on all of that, when you made that 3 new role, isn't it true in that new position, that 4 in 2003, there was a substantial increase in 5 Interpal's revenues? 6 MR. L. FRIEDMAN: Object to the form. 7 THE WITNESS: I can't remember 8 whether their income specifically went up 9 in 2003. 10 BY MR. WERBNER: 11 Q. Did you review that in preparation for 12 the deposition? 13 A. No. 14 Q. Now, were you aware around 2007 when 15 NatWest basically refused to any further provide 16 banking services for Interpal? 17 MR. L. FRIEDMAN: I object to the 18 form and substance. 19 As you know, that's outside the 20 discovery period in this case, but you can 21 go ahead and answer if you know. 22 THE WITNESS: I have been 23 subsequently made aware. 24 BY MR. WERBNER: 25 + Q. And how do you feel about that?</p>	<p>HIGHLY CONFIDENTIAL Page 100</p> <p>1 BY MR. WERBNER: 2 Q. Wasn't it reported in the British 3 newspapers that Interpal was no longer permitted to 4 have accounts at NatWest? 5 A. I don't know. 6 Q. All right. Now, during your years of 7 dealing with Interpal, did you ever have even the 8 teeny weeniest bit of suspicion about Interpal? 9 A. No, never. 10 Q. Did you maintain a calendar during those 11 span of years that you dealt with Interpal? 12 I mean, I know you mentioned the diary. 13 A. Uh-huh. 14 Q. And I don't know if -- you know, but more 15 like a calendar or electronic or a -- what do they 16 call it? A -- 17 A. The diary is my calendar. 18 Q. Okay. 19 A. Maybe I should have used the word 20 "calendar" as opposed to diary, but -- 21 Q. That's okay. 22 A. -- but that's the only -- 23 Q. But I am trying to -- a Palm? 24 A. But I only -- 25 Q. You know about the Palm?</p>

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1 A. Yes.
 2 Q. -- by looking at Lane Exhibit 16
 3 (indicating)?
 4 A. Yes.
 5 Q. And that was a new U.S. dollar account
 6 for Interpal, right?
 7 A. Yes.
 8 Q. Had they had U.S. dollar accounts at
 9 NatWest before June 2001?
 10 A. I can't remember.
 11 Q. What was the currency in which their
 12 accounts were when you became their relationship
 13 manager in late 1999?
 14 A. I can't remember. Main -- mainly
 15 sterling, but I can't recall whether dollar accounts
 16 were open at that time.
 17 Q. Among your 300 accounts while you were at
 18 the Islington business center, did most of those
 19 customers have dollar accounts?
 20 A. I had quite a lot of customers with
 21 currency accounts.
 22 Q. And most of them had dollar accounts?
 23 MR. L. FRIEDMAN: Object to the form.
 24 THE WITNESS: I can't recall how
 25 many.

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1 BY MR. WERBNER:
 2 Q. Give me your best estimate.
 3 A. I am finding that difficult to do. I
 4 really -- I really can't member.
 5 Q. It wasn't usual?
 6 A. What -- what wasn't?
 7 Q. While you were at the Islington business
 8 center to have customers with dollar accounts?
 9 A. No.
 10 Q. In Lane Exhibit 16, Interpal wanted to
 11 open this new dollar account under the name of
 12 I'tilafu al-Khayr, Union for Good, is that right?
 13 THE WITNESS: If that's what it says
 14 on this piece of paper.
 15 BY MR. WERBNER:
 16 Q. Well, I am not purporting to be able to
 17 speak Arabic, but looking at Lane Exhibit 16, how
 18 would you read what they were asking NatWest to do
 19 that you approved by your signature?
 20 MR. L. FRIEDMAN: Object to the form.
 21 THE WITNESS: Do you want me to read
 22 it?
 23 BY MR. WERBNER:
 24 Q. Did you approve what they were
 25 requesting?

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1 A. Yes, I've signed it.
 2 Q. All right, and what did you approve of
 3 them requesting?
 4 A. Well, I -- I've confirmed that the
 5 account that's detailed on this letter could be
 6 opened.
 7 Q. Under what name?
 8 A. It would have been -- the full name of --
 9 of Interpal and then this -- do you want me to say
 10 it? I'tilafu al-Khayr, Union for Good, exactly as
 11 it's printed there (indicating), would have been
 12 added after the name Interpal.
 13 Q. Did they tell you why they wanted an
 14 account under the Union of Good's name?
 15 MR. L. FRIEDMAN: Object to the form.
 16 THE WITNESS: It says in the letter
 17 "to facilitate our latest international
 18 fundraising campaign."
 19 BY MR. WERBNER:
 20 Q. Did you ask them any questions about who
 21 is the Union of Good?
 22 A. I can't remember.
 23 Q. Did you ask anybody to do a due diligence
 24 on the Union for Good?
 25 A. I can't remember.

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1 Q. Do you have any records at NatWest to
 2 reflect that you asked for any information about
 3 Union for Good?
 4 A. We would -- we would have an account
 5 opening file, so if we had, it would all be there in
 6 that file.
 7 MR. WERBNER: Objection,
 8 nonresponsive.
 9 BY MR. WERBNER:
 10 Q. Do you know whether NatWest ever obtained
 11 any records in the 2001 time frame related to Union
 12 for Good?
 13 A. I can't remember.
 14 Q. Now, they told you in Lane Exhibit 16
 15 that it was a matter of urgency.
 16 Did you ask them why it was so urgent for them
 17 to open a NatWest account in dollars in the name of
 18 Union for Good?
 19 A. I cannot remember the specific
 20 transaction at all.
 21 Q. Sitting here today, do you have any idea
 22 who is the Union for Good?
 23 A. Nope.
 24 Q. Who wrote BC, or 1BC? Or is that IBC?
 25 A. It's IBC, which I imagine stands for

<p>HIGHLY CONFIDENTIAL Page 129</p> <p>1 international banking center, because that's where 2 someone would have sent this document for the 3 account to have been opened, but I don't believe 4 that's my handwriting. 5 Q. It wouldn't stand for the Islington 6 business center? 7 A. Oh, it might do. 8 Q. I don't know. 9 A. It might do. 10 But I doubt it, because they have crossed out 11 the address for Islington business center. I don't 12 know. 13 Q. But would dollar accounts go to the IBC, 14 international banking? 15 A. At that time, I believe it would have 16 been opened there, yes. 17 Q. All right. 18 Let me hand you what's marked for 19 identification as Lane Exhibit 1, which is one page 20 Bates labeled NW 13431. 21 Do you recognize this as a letter you sent to 22 Interpal on or about 20 January, 2000? 23 A. Yes. 24 Q. And is the B there in your hand? 25 A. Yes.</p>	<p>HIGHLY CONFIDENTIAL Page 131</p> <p>1 completion of this document." 2 What is that? 3 A. Okay. An audit certificate is something 4 which is required by a business' accountant to help 5 them complete the annual accounts, and we are asked 6 various questions on it as to the amount of lending 7 or the amount of interest, and we just have to 8 complete those certificates. 9 I -- I think, although I don't remember 10 specifically in this instance, but I think what had 11 happened was that the -- the requests such as this 12 go directly to our service center. 13 They don't come to the business center. All -- 14 all of the processing and that are dealt with by our 15 service centers, so it would have gone directly to 16 the service center and for some reason must have got 17 held up or, presumably, Mr. Qundil complained that 18 it took a long time to produce it. 19 So what I was suggesting there was that they 20 initially send the request to my team at the 21 business center so that we can then track it and 22 make sure that it was completed on time. 23 Q. At any time during your six or seven 24 years as the Interpal relationship manager, both at 25 Islington and then at Romford, did you have the</p>
<p>HIGHLY CONFIDENTIAL Page 130</p> <p>1 Q. And was this part of a record that you 2 kept as far as your business was concerned for 3 NatWest dealing with Interpal in 2000? 4 A. Yes. 5 Q. And you routinely would keep copies of 6 letters like this (indicating) that you wrote to 7 your customers? 8 A. Yes. 9 Q. Now, this would have been very soon after 10 you became the relationship manager of Interpal, 11 right? 12 A. Yes. 13 Q. Was this the first meeting and 14 correspondence you think you had with Interpal after 15 you became their relationship manager in late 1999? 16 MR. L. FRIEDMAN: Object to the form. 17 THE WITNESS: I am not certain, but I 18 would think so. 19 BY MR. WERBNER: 20 Q. Explain what you mean in the second 21 paragraph where you state "I apologize for the 22 delays which you have experienced in the past with 23 audit certificates and would suggest that future 24 audit requests are directed to my office in the 25 first instance in order that we can monitor the</p>	<p>HIGHLY CONFIDENTIAL Page 132</p> <p>1 ability to look at, either electronically or 2 otherwise, their account data? 3 A. Yes. 4 Q. How could you do that, and was that over 5 the entire tenure? 6 A. Yes. 7 Q. So over the entire tenure, you had the 8 ability to look at their account transactions? 9 A. Yes. 10 Q. Did you ever do so? 11 A. I would have looked at a printout before 12 I went out to see them, just to see how the account 13 was operating, not specific entries, just a printout 14 showing the maximum and minimum balances. 15 It wasn't part of my responsibility to examine 16 the account regularly or to look at specific 17 entries. 18 MR. WERBNER: Objection, 19 nonresponsive. 20 BY MR. WERBNER: 21 Q. I am not asking if you ever looked at 22 account balance averages or high or low. 23 I am asking in the six or seven years that you 24 were Interpal's relationship manager for NatWest, 25 did you ever look at their account transaction data?</p>

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1 BY MR. WERBNER:
2 Q. So it was clearly the top -- among the
3 top of the whole group's accounts, right?
4 MR. L. FRIEDMAN: Object to form.
5 THE WITNESS: It wasn't just a dollar
6 account they had. They had a sterling
7 account as well.
8 BY MR. WERBNER:
9 Q. So it was even more so, right?
10 MR. L. FRIEDMAN: Object to form.
11 THE WITNESS: It was a top MLM A
12 customer.
13 BY MR. WERBNER:
14 Q. I mean, it was just -- the [REDACTED]
15 sterling was just in their dollar account, right?
16 A. Yes.
17 Q. And how much was in the sterling account?
18 A. Don't know.
19 Q. A lot, wasn't it?
20 MR. L. FRIEDMAN: Object to the form.
21 THE WITNESS: I don't know.
22 BY MR. WERBNER:
23 Q. On the second page, it said they were
24 "interested in Bank Line Payment Manager and
25 Business Card."

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1 What does that mean?
2 A. Bank Line Payment Manager is our computer
3 banking system, which enables you to make or enables
4 a customer to make transfers abroad.
5 Q. And so you helped them get that ability?
6 A. Yes.
7 Q. And up to that time, they didn't have the
8 ability on their own to go on the computer and wire
9 money abroad?
10 A. No.
11 Q. And by virtue of this Lane Exhibit 2,
12 they got that service from NatWest?
13 MR. L. FRIEDMAN: Object to the form.
14 THE WITNESS: No. This (indicating)
15 wouldn't specifically have secured that
16 service for them. They would have had to
17 have completed a Bank Line application
18 form.
19 BY MR. WERBNER:
20 Q. All right, so this merely reflects they
21 were interested in that?
22 A. Yes.
23 Q. Did they ultimately fill out those forms
24 in this time frame so that they could use that
25 service?

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1 A. I believe they did.
2 Q. And have those documents been produced as
3 they relate to Interpal, to your knowledge?
4 A. I can't recall.
5 MR. WERBNER: Mr. Friedman, have they
6 been, to your knowledge.
7 MR. L. FRIEDMAN: I don't know.
8 * MR. WERBNER: Well, they would
9 certainly be required if they relate to Interpal's
10 ability to wire funds internationally, so I would
11 request that we -- we look into that.
12 BY MR. WERBNER:
13 Q. What did you mean on the second page,
14 Ms. Lane when you wrote in January of 2000 about
15 Interpal that they were cash rich?
16 A. It's an expression we use in -- in the
17 bank, meaning that they don't borrow money and they
18 have cash -- they have cash balances, credit
19 balances.
20 Q. Now, above your signature on the second
21 page of this exhibit you state that it is the top
22 MLM A customer in your portfolio.
23 Do you see that?
24 A. Yes.
25 Q. Was that a true statement?

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1 A. If I wrote it, it must have been.
2 Q. And you wanted, in light of that, to
3 "Ensure that facilities are available quickly for
4 customers once the final amount of the document
5 credit facility is known."
6 Correct?
7 A. Yes.
8 Q. And why did they need to have that credit
9 facility?
10 Oh, is that the lamb thing you told me?
11 A. Yes.
12 Q. Okay. Let's go to Lane Exhibit 3, and
13 then maybe we will take our lunch break. This is
14 just one page, NW 13637, and purports to be a
15 synopsis of a customer meeting on the 20th of March,
16 2002.
17 Can you confirm that that's what this exhibit
18 is (indicating)?
19 A. Yes.
20 Q. And is this an accurate record that you
21 made on or about March 20th, 2002 concerning your
22 meeting with Interpal?
23 A. Yes.
24 Q. And as far as you know, are the
25 statements in here (indicating) ones that you made

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1 light of the receipt of that information, if any?

2 A. Well, those countries didn't trigger

3 anything in my mind. We are regularly provided with

4 lists with countries that perhaps the bank doesn't

5 deal with, or perhaps there's an issue going on, and

6 neither of those three triggered anything in my

7 mind, so I didn't do anything other than make the

8 interview note.

9 Q. Well, you were specifically told

10 something about terrorism in connection with your

11 meeting with Interpal, weren't you?

12 MR. L. FRIEDMAN: Object to the form.

13 THE WITNESS: I wasn't told something

14 about terrorism. I was -- I was just told

15 what I have noted here (indicating), that

16 he raised the issue of terrorism.

17 BY MR. WERBNER:

18 Q. So you and Interpal in March of '02 were

19 discussing the issue of terrorism, correct?

20 A. Not discussing it, no. He told me.

21 He -- he made this statement (indicating). We did

22 not discuss it.

23 Q. Well, what did you do after Interpal

24 raised the issue of terrorism with you to verify, to

25 check it, to investigate it, if anything?

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1 A. Nothing. I don't know why I would.

2 Q. So why did you put this in the report

3 marked Lane Exhibit 3 (indicating)?

4 A. Because -- because it was the reason

5 for -- he was explaining to me a reason why their

6 credit balances would increase.

7 Q. Because of terrorism?

8 A. Well, that -- that is what he said. He

9 said because of what was being reported in the media

10 about terrorism, it was just making people want

11 to -- to provide increased donations. It was just

12 raising their awareness and wanting to -- to make

13 increased donations to them.

14 Q. Did that make sense to you?

15 A. Well, it -- it seemed a logical

16 explanation.

17 Q. That because of terrorism, the --

18 Interpal was getting more money? Is that what you

19 are saying?

20 MR. L. FRIEDMAN: Object to the form.

21 THE WITNESS: I think because of the

22 implications.

23 BY MR. WERBNER:

24 Q. Well, actually, in Lane Exhibit 3

25 (indicating), about the fifth bullet point from the

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1 bottom, you put "Income has continued at a similar

2 level in 2001." See that?

3 A. Yes.

4 Q. So are you sure you put this reference in

5 there to discussing terrorism because it was being

6 stated as an explanation for their increasing

7 revenues?

8 MR. L. FRIEDMAN: Object to the form.

9 THE WITNESS: No. In this particular

10 instance (indicating), I mean, I have said

11 here that they had had -- they had had

12 calls from the media.

13 BY MR. WERBNER:

14 Q. Now, elaborate what the Interpal people

15 told you in March of '02 about getting calls from

16 the media.

17 A. I -- I can't remember. I really can't

18 remember the conversations. This interview note

19 (indicating) has -- I can remember obviously what's

20 on this interview note, because I can read it. I

21 cannot remember the conversation.

22 Q. Now, what I don't understand, though,

23 here is a reference to "They are interested in Bank

24 Line and Auto Pay" (indicating). We had seen that

25 earlier in 2000.

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1 Does this refresh your recollection and suggest

2 that maybe they didn't actually sign up for the Bank

3 Line back in January of 2000?

4 MR. L. FRIEDMAN: Object to the form.

5 THE WITNESS: I can't remember when

6 they -- they signed up for it.

7 BY MR. WERBNER:

8 Q. But they got it at some point --

9 A. They did.

10 Q. -- while you were their relationship

11 manager?

12 A. Yes.

13 MR. WERBNER: Let's take a break for

14 lunch. Thank you.

15 THE VIDEOGRAPHER: Going off the

16 record at 1:12.

17 (Recess taken at 1:12 p.m.)

18 (Resumed at 2:17 p.m.)

19 THE VIDEOGRAPHER: Back on the record

20 at 2:17.

21 BY MR. WERBNER:

22 Q. Ms. Lane, would you outline for us,

23 please, your educational background?

24 A. I went to Lowes Wong Junior School in

25 Southwell, Nottinghamshire, then went to Lilley and

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1 center in Romford.
 2 A. Okay. The -- the area manager or the
 3 director would advise us of any matters going on in
 4 the bank, anything we should be aware of, anything
 5 that was brought to their attention at their board
 6 meeting. Then we would discuss sales, staff issues,
 7 hospitality events. Normal sort of work in
 8 progress, if anybody had some success stories.
 9 Q. All right, and how about if the -- is
 10 that -- is that same at both --
 11 A. Yeah.
 12 Q. -- places? Okay.
 13 Were there written materials or emails or
 14 agendas that pertained to the topics or the
 15 scheduling or --
 16 A. Normally, the area manager would -- or
 17 director would produce an agenda which he would
 18 circulate before and ask anybody if they wanted to
 19 raise anything.
 20 Q. In that time frame again, let's say
 21 between 2001 and 2004, was Interpal ever discussed
 22 at any of those meetings?
 23 A. I can't remember.
 24 Q. Was the subject of money laundering or
 25 terror financing or steps that needed to be taken

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1 regarding those things ever discussed at any of
 2 those meetings?
 3 A. I can't remember specifically, but I
 4 would imagine we probably had discussions about it
 5 after 9-11, because obviously everybody was made
 6 very aware, and when -- you know, the terrorist
 7 attacks happened in London as well, everybody was
 8 sort of briefed about being very vigilant and -- you
 9 know, be more cautious than ever and -- you know, if
 10 ever, if they had any suspicions at all, to bring
 11 them to the area manger's attention, or file money
 12 laundering or, you know, suspicious activity
 13 reports.
 14 Around that sort of difficult period, it was
 15 always very much sort of brought to the forefront of
 16 our minds.
 17 Q. So that was definitely in your mind after
 18 September 2001 and into 2002, that you needed to be
 19 particularly alert and vigilant to anything that
 20 might be suspicious related to terror financing?
 21 A. It would have been previously, as well.
 22 Q. Uh-huh.
 23 A. Any time you feel -- you know, suspicious
 24 about anything, you wouldn't hesitate -- you know.
 25 I have -- I have filed quite a number of suspicious

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1 activity reports in my time.
 2 If ever I ever doubted anything, I would file
 3 one. You would have no reason not to. You would
 4 just want to protect yourself.
 5 Q. How many do you think you've filed?
 6 A. I would say over the course of my career,
 7 I would say --
 8 Q. Sorry. Go ahead.
 9 A. I would say at least 10.
 10 Q. And when was the first time, as best you
 11 recall, that -- that you would have done that?
 12 A. I can't remember. I can't remember at
 13 all.
 14 Q. Before you ever went to Islington?
 15 A. Yes.
 16 Q. So by the time you became the
 17 relationship manager for Interpal in late 1999, you
 18 were certainly familiar with filing suspicious
 19 activity reports?
 20 A. Definitely.
 21 Q. And you had done so?
 22 A. Yes.
 23 Q. And did you do so while you worked in
 24 Islington?
 25 A. I can't recall a specific occasion.

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1 Q. Did you do so while you worked in
 2 Romford?
 3 A. Again, I can't -- I can't recall a
 4 specific occasion.
 5 Q. Have you ever filed a suspicious activity
 6 report where your suspicion was terror financing?
 7 A. No.
 8 Q. Are you sure?
 9 A. Yes.
 10 Q. Were there minutes made of the various
 11 meetings that you would attend with the area
 12 manager?
 13 A. Not always. Sometimes things circulated
 14 afterwards.
 15 Q. How were those minutes circulated after
 16 the area manager meetings that you would attend?
 17 A. At Islington, we didn't have email, so
 18 they would have been passed around. In Romford, by
 19 email.
 20 Q. Did you keep those, either in an
 21 electronic folder or in hard copy?
 22 A. I kept them in hard copy for the year,
 23 and then every Christmas, I would have a clear-out
 24 of my drawers.
 25 Q. Did you ever raise any questions about

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1 Q. Did you ever go over to Regent's House?
 2 A. No.
 3 Q. In the memo addressed to you, they call
 4 your branch Northeast Thames CBC. What does that
 5 mean?
 6 A. Northeast Thames Commercial Banking
 7 Center.
 8 Q. So that was where, in Islington or
 9 Romford?
 10 A. Romford.
 11 Q. And do you know Charlotte Macomus other
 12 than this --
 13 A. No.
 14 Q. -- document? No?
 15 Did you receive this document on or about
 16 July 9 of '02?
 17 A. I don't remember it.
 18 Q. Have any reason to doubt that you
 19 received it?
 20 A. No, I don't have any reason to doubt I
 21 received it.
 22 Q. Notice there's a "Received" stamp on the
 23 document (indicating). Do you see that?
 24 A. Yes.
 25 Q. Do you recognize that stamp?

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1 A. It is very similar to stamps that we use
 2 within the offices, which we put on any
 3 correspondence.
 4 Q. So to the best of your knowledge, was it
 5 the routine while the account manager for Interpal
 6 in Romford that someone in the office would stamp
 7 with the Received and the date, material that came
 8 to you like this (indicating)?
 9 A. Yes.
 10 Q. So any reason to doubt that you received
 11 this on or about the date on this Received stamp?
 12 A. No.
 13 Q. Did you read this?
 14 A. Yes, I believe I would have done. I
 15 mean, it's asking more to forward a detailed report,
 16 and I believe I did forward a report afterwards.
 17 I -- I can't clearly remember it, but...
 18 Q. Well, actually, it's notifying you under
 19 the heading "Money Laundering Suspicion, Account
 20 Palestinian's Relief and Development Fund,
 21 60-08-22," with a group fraud reference number, to
 22 the fact that "The decision has been taken to report
 23 the matter to the authorities."
 24 Isn't that what it does?
 25 A. Uh-huh.

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1 MR. L. FRIEDMAN: Object to the form.
 2 THE WITNESS: Yes.
 3 BY MR. WERNER:
 4 Q. So you knew in or around the 11th of
 5 July, 2002 that the Royal Bank of Scotland Group
 6 that you worked with was reporting a money
 7 laundering suspicion concerning Interpal to the
 8 English authorities, correct?
 9 A. Yes, that's what -- that's what it says
 10 (indicating).
 11 Q. Did that concern you?
 12 A. Well, I -- I didn't have any suspicions,
 13 but obviously it made me aware that there was
 14 something happening. That's -- you know, it doesn't
 15 tell me any more, so...
 16 Q. Did it concern you in July of 2002 that
 17 the Royal Bank of Scotland Group investigation and
 18 fraud unit was reporting to the English authorities
 19 a money laundering suspicion concerning your
 20 customer, Interpal?
 21 MR. L. FRIEDMAN: Object to the form,
 22 asked and answered.
 23 THE WITNESS: I'm not quite sure how
 24 to interpret "concerned." I was made
 25 aware of it, so I was aware of it, and I

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1 did what I was instructed to do. I can't
 2 recall at the time whether I had a certain
 3 feeling or not.
 4 BY MR. WERNER:
 5 Q. You were told in this exhibit that "This
 6 matter must be treated in the strictest confidence,
 7 and under no circumstances should the account holder
 8 be advised of the action." Do you see that?
 9 A. Yes.
 10 Q. So that conveyed to you, ma'am, did it
 11 not, that this was a very significant and serious
 12 matter?
 13 A. Yes.
 14 MR. L. FRIEDMAN: Objection.
 15 BY MR. WERNER:
 16 Q. And you knew that the authorities
 17 referred to were criminal authorities?
 18 A. Doesn't say that.
 19 Q. But you knew that?
 20 A. I'm not sure that I did.
 21 Q. Governmental authorities?
 22 A. But it doesn't say that.
 23 Q. I'm asking what you knew.
 24 A. I knew what it says on that letter
 25 (indicating).

<p>HIGHLY CONFIDENTIAL Page 229</p> <p>1 Q. Well, did you know enough from your 2 training and your many years at NatWest, when you 3 received Exhibit 5 that the reference to the 4 authorities to whom the money laundering suspicion 5 report was made was the governmental authority? 6 A. I can honestly say I don't know what 7 authority I thought it was. I mean, one would 8 assume a government authority, but you don't assume 9 things in these cases. 10 It says "to the authorities," so they reported 11 it to the authorities. I don't know which 12 authorities. 13 Q. But you had gone to annual training. 14 Didn't you know from that and the manuals that you 15 were given from NatWest and the Royal Bank of 16 Scotland that when the group investigation fraud 17 unit reported a money laundering suspicion, they did 18 that to NCIS? 19 A. But there's lots of different 20 authorities. 21 Q. Can you answer my question, though? I am 22 not trying to trick you, but didn't you know as -- 23 A. I can't -- I can't recall NCIS, no, I 24 can't. 25 Q. Have you ever heard of that?</p>	<p>HIGHLY CONFIDENTIAL Page 231</p> <p>1 know, we know that it's reported at a higher level, 2 but I don't know which particular department. 3 That's not my responsibility. That's dealt with by, 4 you know, group investigation and fraud. All I know 5 is that it is reported onwards if they need to 6 report it onwards, but you know, I don't -- it's not 7 my responsibility to necessarily know which 8 departments, because I don't do the reporting. 9 I have to do a report to group investigation 10 and fraud. That's my responsibility, and that's 11 what I did. 12 Q. I was really just trying to find out your 13 state of mind in July when you got this (indicating) 14 and they said they had reported money laundering 15 suspicion concerning your customer, Interpal, to 16 whom you thought they had reported, and I will just 17 ask you finally: Did you understand that they were 18 reporting that to governmental criminal authorities? 19 MR. L. FRIEDMAN: Object to the form. 20 THE WITNESS: I understood that they 21 were reporting it to an authority. 22 Beyond -- beyond that -- you know, I -- 23 they would keep me apprised. I didn't 24 need to know beyond that until they came 25 back to me and advised further. I did</p>
<p>HIGHLY CONFIDENTIAL Page 230</p> <p>1 A. I can't remember. 2 Q. You can't sit here today and tell us if 3 you have ever heard of NCIS? 4 A. I -- I can't remember. 5 Q. Are you testifying -- 6 A. Can you tell me what NCIS stands for? 7 Q. National Crime Information -- something. 8 I don't know. 9 MR. L. FRIEDMAN: Object to the form. 10 BY MR. WERNER: 11 Q. What's funny? 12 A. We have lots of different initials for 13 lots of different departments, so you know, I'm sure 14 it would have been a high authority, but I can't -- 15 I -- I can't recall if I know what NCIS is or, 16 sorry, whatever the initials were. 17 Q. Well, based on your number of years of 18 experience at NatWest -- 19 A. Uh-huh. 20 Q. -- as of the summer of 2002, to whom did 21 you think the bank reported money laundering 22 suspicions to? 23 A. Well, yeah, government authorities, but 24 specifically which one, I don't know. I mean, 25 obviously it's taken extremely seriously, and you</p>	<p>HIGHLY CONFIDENTIAL Page 232</p> <p>1 exactly what I was supposed to do upon 2 receipt of that -- that memo. 3 BY MR. WERNER: 4 Q. With all due respect, ma'am, I am not 5 asking you for what you needed to know. I am asking 6 you what you did know, and I am asking you what you 7 did know as of July of '02 -- 8 A. Uh-huh. 9 Q. -- as a long-time employee of NatWest as 10 to whom money laundering suspicious reports were 11 turned in to. Did you know that they were turned in 12 to governmental criminal authorities for 13 investigation? 14 A. Yes. 15 Q. All right. Why did it take us so long to 16 determine that? 17 A. Because you were asking me a specific 18 department, and I wasn't sure if that specific 19 department was the correct one in this particular 20 instance. I just wanted to be careful -- 21 Q. All right. 22 A. -- of my answer. 23 Q. So, fair enough. 24 In conclusion, looking at Lane Exhibit 5, you 25 knew in July of '02 that your bank was reporting to</p>

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1 A. No.
 2 Q. All right. Now, let me ask you this:
 3 What was the next contact that you remember
 4 having with NatWest or Royal Bank of Scotland's
 5 group investigation of fraud unit about Interpal?
 6 A. I can't remember.
 7 Q. Was this contact that you had from that
 8 unit about a money laundering suspicion of Interpal
 9 the first?
 10 That is, was Lane Exhibit 5 the first time you
 11 had had such a suspicion inquiry concerning
 12 Interpal?
 13 A. I can't be totally clear, but I -- I
 14 think it possibly was the first one I'd had, but
 15 I -- I can't remember.
 16 Q. So I don't know why we had all that long
 17 argument earlier today, but some of the contacts you
 18 had certainly were before the lawsuit was filed,
 19 right?
 20 A. Well, some. This is one (indicating).
 21 Q. Right.
 22 A. And I said there was possibly one.
 23 Q. Well, we know there was at least one --
 24 A. I do now.
 25 Q. All right, and did you have information

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1 that there had been such suspicions before you
 2 became the relationship manager as to Interpal?
 3 MR. L. FRIEDMAN: Object to the form.
 4 THE WITNESS: I believe that
 5 somewhere I made a note that I've read
 6 today somewhere. There was a note on the
 7 file, which I think I have repeated
 8 somewhere, that they were investigated by
 9 the Charities Commission back in -- I
 10 can't remember. I remember reading
 11 something recently.
 12 BY MR. WERBNER:
 13 Q. I am talking about, though, any
 14 information that you had before July of '02 of
 15 NatWest group investigation of fraud unit looking
 16 into possible money laundering by Interpal.
 17 Did you have any --
 18 A. I can't --
 19 Q. -- information?
 20 A. I can't remember anything.
 21 Q. Okay. Because in your answer a few
 22 moments ago, you said "I think" -- and you said in
 23 reference to Exhibit 5, this was the first suspicion
 24 that came to you as a report about Interpal?
 25 MR. L. FRIEDMAN: I object to the

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1 form.
 2 BY MR. WERBNER:
 3 Q. Did you?
 4 A. I would have to ask for it to be
 5 repeated. I can't remember.
 6 Q. Well, let's move on. I mean, did Lane
 7 Exhibit 5 just come out of the blue to you?
 8 A. When?
 9 MR. L. FRIEDMAN: Object to the form.
 10 THE WITNESS: Today, or at that time?
 11 BY MR. WERBNER:
 12 Q. At that time. You mean --
 13 A. Yes.
 14 Q. -- in July of '02 it just came out of
 15 blue?
 16 A. Yes.
 17 Q. Struck you like a bolt of lightning?
 18 A. Yes.
 19 MR. L. FRIEDMAN: Object to the form.
 20 BY MR. WERBNER:
 21 Q. And let's move on, then, and see what you
 22 noted in Lane Exhibit 7. Let me hand you --
 23 It's just one page with the Bates number
 24 NW 13347, and it appears to be an August 1, 2002
 25 document sent to you by this fraud officer,

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1 Charlotte Macomus. Let me know when you have had a
 2 chance to look over that.
 3 A. Yes.
 4 Q. Can you -- can you verify that Lane
 5 Exhibit 7 is a true and correct copy of a document
 6 you got from fraud officer Charlotte Macomus
 7 concerning Interpal?
 8 A. Yes.
 9 MR. L. FRIEDMAN: I object to the
 10 form.
 11 BY MR. WERBNER:
 12 Q. And again, do you see the Received stamp
 13 bearing the date of August 2nd, 2002?
 14 A. Yes.
 15 Q. And would you, based on that, believe --
 16 knowledge of the routine of your office, that you in
 17 fact did get this on or about August 2nd, 2002?
 18 A. Yes.
 19 Q. And that would have been part of the
 20 regular course of your business concerning the
 21 relationship management for Interpal?
 22 A. Sorry? What would be the -- just --
 23 Q. To be receiving and stamping it and --
 24 and reviewing it?
 25 A. Yes.

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1 Lane Exhibit 7, here you are in the summer of 2002,
2 right? You have been the relationship manager for
3 several years for Interpal, right?
4 A. Yes.
5 Q. You know that it's a profitable account
6 for the bank, right?
7 A. Yes.
8 Q. Among the most profitable that you are
9 handling, right?
10 MR. L. FRIEDMAN: Object to the form.
11 THE WITNESS: Not at this time, no.
12 BY MR. WERBNER:
13 Q. You know that there's some money
14 laundering suspicion -- suspicion -- about that
15 customer, correct?
16 A. Yes.
17 Q. You've gotten written notification of
18 that suspicion from your bank's fraud unit, correct?
19 A. Yes.
20 Q. You are directed -- your attention is
21 directed to a payment that Interpal has made or
22 received, I guess, for [REDACTED] right?
23 A. Yes.
24 Q. That's come from [REDACTED] correct?
25 A. Yes.

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1 Q. And that was sent by something called the
2 [REDACTED]
3 [REDACTED] correct?
4 A. That was what I was told, yes.
5 Q. And that there is an open group fraud
6 case number as referenced on Exhibit 7?
7 A. Yes.
8 Q. And you didn't become more scrutinizing
9 of Interpal as a result of that in the summer of
10 '02?
11 MR. L. FRIEDMAN: Object to the form.
12 THE WITNESS: I was instructed in
13 Lane Exhibit 5 to continue to operate the
14 account with normal banking practice until
15 I heard from them to the contrary, so I
16 continued to operate that account exactly
17 as I would any other account. That's
18 exactly what I was instructed to do.
19 BY MR. WERBNER:
20 Q. No different than accounts that weren't
21 getting hundreds of thousand of dollars from [REDACTED]
22 to support some so-called charity in Jerusalem
23 during the middle of suicide bombings there?
24 MR. L. FRIEDMAN: Object to the form.
25 THE WITNESS: I operated it with a

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1 normal banking practice.
2 BY MR. WERBNER:
3 Q. Just like any other account?
4 MR. L. FRIEDMAN: Object to form.
5 BY MR. WERBNER:
6 Q. Is that right?
7 MR. L. FRIEDMAN: Object to form.
8 THE WITNESS: Like a normal banking
9 practice.
10 BY MR. WERBNER:
11 Q. A moment ago -- you are not backing away
12 from your statement "Just like any other account,"
13 are you?
14 MR. L. FRIEDMAN: I object to the
15 form.
16 THE WITNESS: Well, that's very
17 vague, "Just like every other account."
18 Every account is operated differently. I
19 might deal with different accounts
20 differently, so I operated this account as
21 I had done previously, in the normal --
22 within normal banking practice. I can't
23 compare it with other accounts.
24 BY MR. WERBNER:
25 Q. Did you change anything you were doing

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1 with respect to your account -- with Interpal, after
2 receiving this Exhibit 6 and 7 in the summer of '02,
3 than you had done with respect to that customer
4 before getting the material from the group
5 investigation and fraud unit?
6 A. I am always cautious in operating all my
7 accounts, so no, I didn't do anything differently,
8 just because I had received a suspicion report, no.
9 Q. So your conduct and scrutiny with respect
10 to Interpal was no different after August of '02
11 than it had been back in '01? Is that your
12 testimony?
13 MR. L. FRIEDMAN: Object to the form.
14 THE WITNESS: Yes.
15 BY MR. WERBNER:
16 Q. Let me hand you Lane Exhibit 8, and it is
17 a -- material addressed to you from Interpal, and it
18 bears the Bates stamps NW 13348 through 355. Take a
19 moment to look over that, please.
20 Have you reviewed that?
21 A. Yes.
22 Q. This Lane Exhibit 8 is an eight-page fax
23 that was sent to you by Interpal on August 6 of '02,
24 isn't it?
25 A. Yes.

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1 A. I am sure they would have done.
 2 Q. Well, do you know?
 3 A. No.
 4 Q. All right, and all that the fraud unit
 5 was basically told was what Mr. Mustafa had claimed
 6 about it?
 7 A. But I'm sure these (indicating) would
 8 have been sent on to group investigations and fraud.
 9 Q. All right.
 10 MR. L. FRIEDMAN: Just a minute.
 11 Just one second.
 12 (Informal discussion held off the
 13 record.)
 14 MR. L. FRIEDMAN: Okay. Go ahead.
 15 BY MR. WERBNER:
 16 Q. Now, what your customer at Interpal
 17 attaches as support to this fraud inquiry is an
 18 Arabic document on the letterhead of Interpal with a
 19 translation provided by Interpal, right?
 20 MR. L. FRIEDMAN: Object to the form.
 21 THE WITNESS: It appears to be.
 22 BY MR. WERBNER:
 23 Q. I mean, did you or, to your knowledge,
 24 did anybody else at NatWest look to try to verify
 25 this?

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1 A. I can't remember. I -- I don't -- I
 2 honestly don't remember seeing it.
 3 Q. I mean, you knew from your many years of
 4 employment and training at NatWest as of August of
 5 '02 that it wasn't sufficient just to take the
 6 customer's word for everything when there were
 7 suspicions in the account, right?
 8 MR. L. FRIEDMAN: Object to the form.
 9 BY MR. WERBNER:
 10 Q. That's what due diligence and things like
 11 that are all about, correct?
 12 MR. L. FRIEDMAN: I object to the
 13 form.
 14 THE WITNESS: You are asking me to
 15 make a judgment as to whether -- you said
 16 is it right to take my customer's word.
 17 Yes, we have to do lots of due
 18 diligence, but I've -- I've done exactly
 19 what I was asked to do by group
 20 investigations and fraud. I have asked
 21 the customer the details surrounding that
 22 payment. I have provided that information
 23 and the customer has sent the followup
 24 information.
 25 It's not for me to do anything else.

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1 That's down to the investigation and fraud
 2 unit. That's why we have them.
 3 BY MR. WERBNER:
 4 Q. Let's look at Lane Exhibit 9, and this is
 5 one page with the Bates number NW 13346.
 6 A. Thank you.
 7 Q. What is that document?
 8 A. This document is a response to Exhibit
 9 Lane 7, and presumably encloses Exhibit Lane 8.
 10 Q. And is that your initial B above the
 11 signature line?
 12 A. Yes.
 13 Q. And so is Exhibit 9 a true and correct
 14 copy of what you sent along with the attached
 15 Exhibit 8?
 16 A. Yes.
 17 MR. L. FRIEDMAN: Mark, when you have
 18 a convenient breaking point?
 19 MR. WERBNER: Let's do that now.
 20 THE VIDEOGRAPHER: Going off the
 21 record, 4:16.
 22 (Recess taken at 4:16 p.m.)
 23 (Resumed at 4:33 p.m.)
 24 THE VIDEOGRAPHER: Back on the
 25 record, 4:43.

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1 BY MR. WERBNER:
 2 Q. Ms. Lane, during the time that you were
 3 the NatWest relationship manager for Interpal, did
 4 you ever go on the Internet and look at Interpal's
 5 web site?
 6 A. No.
 7 Q. Did you ever give Interpal, while you
 8 were their relationship manager, approval to use
 9 NatWest's logo?
 10 A. No.
 11 Q. Did you learn around August 2003 that the
 12 United States government had declared Interpal was a
 13 funding of Hamas, the terrorist organization?
 14 MR. L. FRIEDMAN: Object to the form.
 15 THE WITNESS: No.
 16 BY MR. WERBNER:
 17 Q. Did anyone ever tell you before this
 18 lawsuit was filed that the United States government
 19 sometime in August 2003 declared Interpal to be a
 20 terrorist organization associated with Hamas?
 21 MR. L. FRIEDMAN: Object to the form.
 22 THE WITNESS: I -- I recall receiving
 23 a phone call about the U.S. dollar
 24 account, but I can't recall exactly what
 25 date that was, so I don't know if it was

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1 after -- I believe it was probably after
 2 the -- when the lawsuit was filed.
 3 MR. WERBNER: Would you read back my
 4 question for her, please?
 5 (Whereupon, the record was read back
 6 by the reporter.)
 7 BY MR. WERBNER:
 8 Q. Could you answer that question, please?
 9 A. Okay. I -- I understand the allegations
 10 of the lawsuit. Nobody has ever told me that they
 11 were a terrorist organization associated with Hamas,
 12 but -- no -- well, no.
 13 Sorry. The question confused me a little bit.
 14 Q. Well, I want to avoid any confusion. Let
 15 me have the court reporter read it again, and if you
 16 need me to clarify in any way before you answer it,
 17 just let me know?
 18 A. Okay. Can I stop you after one point?
 19 (Whereupon, the record was read back
 20 by the reporter.)
 21 THE WITNESS: Right. Sorry, I can't
 22 remember specifically before and after
 23 that date, so that bit's difficult.
 24 (Whereupon, the record was read back
 25 by the reporter.)

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1 THE WITNESS: No. I think the answer
 2 is no, because -- because that specific
 3 wording -- nobody ever told me that they
 4 were a terrorist organization associated
 5 with Hamas.
 6 I was aware of the lawsuit and
 7 what -- what the lawsuit was about, but I
 8 don't think those words were ever used.
 9 BY MR. WERBNER:
 10 Q. I am not asking about any civil lawsuits
 11 against NatWest, okay?
 12 A. Uh-huh.
 13 Q. I am asking about a statement, a
 14 designation, a declaration made by the United States
 15 government --
 16 A. Uh-huh.
 17 Q. -- a declaration, statement that was made
 18 by the U.S. government in August of 2003 about your
 19 customer, Interpal.
 20 Are you with me so far?
 21 A. Yes.
 22 Q. In August of 2003, the United States
 23 government made an announcement that it determined
 24 or it believed or it thought --
 25 A. Uh-huh.

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1 Q. -- that Interpal, based in the UK, was
 2 supporting Hamas terror financing.
 3 Are you with me so far?
 4 A. Yes.
 5 Q. Now, whether you agreed with it or not,
 6 all I am asking is --
 7 A. Uh-huh.
 8 Q. -- did it come to your knowledge that the
 9 United States government had taken that position
 10 concerning Interpal?
 11 MR. L. FRIEDMAN: Before this lawsuit
 12 was filed.
 13 THE WITNESS: Right.
 14 BY MR. WERBNER:
 15 Q. Between August of '03 and two years
 16 later, whenever the lawsuit was filed, '05, did that
 17 United States position come to your knowledge?
 18 MR. L. FRIEDMAN: Object to the form.
 19 THE WITNESS: I was asked to close
 20 the dollar account at one point, because
 21 of -- the U.S. believed that Interpal was
 22 associated with -- with terrorism or
 23 something to that effect, but I can't
 24 remember if it was before or after.
 25 BY MR. WERBNER:

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1 Q. Well, it was in August of '03 --
 2 A. Right.
 3 Q. -- years before the lawsuit, I will
 4 represent to you.
 5 A. Okay.
 6 Q. Accepting that representation, who asked
 7 you to close the dollar account because of the
 8 United States government position about Interpal?
 9 MR. L. FRIEDMAN: We have to clarify
 10 something, because I think you
 11 misunderstood her answer.
 12 We have to clarify whether this was
 13 told to her before or after the lawsuit.
 14 I think that's what she was referring to,
 15 not the designation.
 16 THE WITNESS: That's what --
 17 (Informal discussion held off the
 18 record.)
 19 MR. WERBNER: Well, let me ask the
 20 questions, please.
 21 Would you read my question to the
 22 witness now, please.
 23 (Whereupon, the record was read back
 24 by the reporter.)
 25 THE WITNESS: I am not sure if I am

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1 MR. WERBNER: I am going to hand
 2 NatWest counsel Wickens Number 10, because
 3 it's the same thing.
 4 MR. L. FRIEDMAN: And this is
 5 Lane 10?
 6 MR. WERBNER: She's holding what's
 7 been marked Lane Deposition --
 8 MR. L. FRIEDMAN: I have got it.
 9 MR. WERBNER: -- Exhibit 10.
 10 MR. L. FRIEDMAN: I have got it.
 11 BY MR. WERBNER:
 12 Q. Take a moment to look at that, and then I
 13 will have some questions.
 14 A. I am ready.
 15 Q. Did you prepare this document?
 16 A. It looks like something I would have
 17 written, yes.
 18 Q. And did you prepare it concerning
 19 Interpal while you were the NatWest relationship
 20 manager?
 21 A. Yes.
 22 Q. And would that have been in the ordinary
 23 course of your business to make a memorandum like
 24 this (indicating) concerning one of your customers
 25 and maintain it in the files?

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1 A. I think I would have provided this for a
 2 specific reason, because it's --
 3 It's not one of my normal interview notes, but
 4 I can't recall why. I imagine it was probably a
 5 report provided to group investigation and fraud,
 6 something like that.
 7 Q. But it was provided as part of your
 8 employment for NatWest concerning one of your
 9 customers?
 10 A. Yes.
 11 Q. And you would have done this memo
 12 (indicating) at or about the time of the events that
 13 are reflected in here?
 14 MR. L. FRIEDMAN: I object to the
 15 form.
 16 THE WITNESS: I'm not sure when I
 17 prepared it. I don't know why there's not
 18 a date on it, but...
 19 BY MR. WERBNER:
 20 Q. Well, it looks like, regardless of when
 21 it was prepared, that on October 10th of 2005, it
 22 was faxed along with 25 other pages to somebody. Do
 23 you see that in the fax header?
 24 A. Yes.
 25 Q. Do you know anything about the

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1 circumstances under which this piece of paper, along
 2 with the other 25 pages, was faxed?
 3 A. I can't recall it, no.
 4 Q. Do you recognize the fax number or phone
 5 number that's within that fax header on the
 6 document?
 7 A. Yeah. That's Romford's fax number.
 8 Q. For your business, you meant?
 9 A. Yes.
 10 Q. And do you know to whom you faxed it?
 11 MR. L. FRIEDMAN: Object to the form.
 12 THE WITNESS: I might not have faxed
 13 it. It's possible --
 14 BY MR. WERBNER:
 15 Q. Do you know to whom it was faxed?
 16 A. No.
 17 Q. Whose handwriting is that at the top
 18 right?
 19 A. That's mine.
 20 Q. What does it say, please, ma'am?
 21 A. I think it says "Dollars, 261,000. Euros,
 22 485,000."
 23 Q. What does that mean?
 24 A. I -- I've just noted down that the credit
 25 balances are across five accounts, and then I have

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1 also added what the balance presumably of the dollar
 2 account was and the balance of the euro account as
 3 well.
 4 Q. Does this document refresh your
 5 recollection that Interpal had approximately five
 6 different accounts at NatWest?
 7 A. Yes. I know they had a number of
 8 accounts.
 9 Q. And can you confirm from this document or
 10 otherwise that Interpal had had accounts at NatWest
 11 in dollars, euros, and sterling?
 12 A. Yes.
 13 Q. And that Interpal, while you were its
 14 relationship manager, at least at the time of this
 15 document (indicating), had nearly a million pounds
 16 of funds in those different currencies?
 17 A. What I am not sure about is whether I
 18 have converted the euro in the dollar account. Oh,
 19 sorry, nearly a million -- yes, yeah. What I am not
 20 sure is if the 969 -- was that dollar in euro
 21 balance or whether it's additional. I have not
 22 really made that very clear.
 23 Q. Well, what it says is "Presently, 969,000
 24 sterling pounds, credit balances across five
 25 accounts." Do you see that?

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1 A. Yes.
 2 Q. And that they were getting donations
 3 totaling over 4 million pounds?
 4 A. Yes.
 5 Q. With net income of over 291,000 pounds?
 6 A. Yes.
 7 Q. So they had a total net worth, that is,
 8 Interpal, in December of '01 at probably over
 9 3 million dollars?
 10 A. No. Oh, sorry, 3 million dollars, yes,
 11 beg your pardon.
 12 Q. And they were getting -- when you say
 13 total donations of 4.2 million pounds, was that per
 14 year?
 15 A. That was that particular year, yes
 16 (indicating).
 17 Q. The 2001 year?
 18 A. Yes.
 19 Q. That's a lot of money, isn't it?
 20 I mean, could that be as much as 6, 7 million
 21 dollars?
 22 MR. L. FRIEDMAN: I object to the
 23 form.
 24 THE WITNESS: Depending on the
 25 exchange rate at the time.

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1 BY MR. WERBNER:
 2 Q. But, I mean, just more or less, wouldn't
 3 in 2001, if they had annual donations exceeding
 4 4 million pounds, that certainly exceeded 5 or
 5 6 million dollars at the time, wouldn't it?
 6 MR. L. FRIEDMAN: Object to the form.
 7 THE WITNESS: Yes.
 8 BY MR. WERBNER:
 9 Q. So that was a lot of money flowing into
 10 their bank accounts, would you agree?
 11 A. I'm not sure whether I can really answer
 12 whether it's a lot of money or not. It would be a
 13 lot of money if I had it, but compared to other
 14 charities it might not be a lot of money, so I'm not
 15 sure whether I can really answer yes or no to that
 16 question.
 17 Q. Would it be a fair conclusion from what's
 18 contained in this memo that you prepared this
 19 sometime in 2002, since you referred to the December
 20 '01 financial figures and noted a report to the
 21 fraud office about Interpal in January of '02?
 22 MR. L. FRIEDMAN: I object to the
 23 form.
 24 THE WITNESS: I -- I don't know when
 25 I prepared it.

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1 BY MR. WERBNER:
 2 Q. And then you say "It was in July of '02
 3 that the fraud office reported the account to the
 4 authorities."
 5 Do you see that?
 6 A. Yes.
 7 Q. So certainly, it was prepared after July
 8 of '02?
 9 A. Yes.
 10 MR. WERBNER: Let's change tape.
 11 THE VIDEOGRAPHER: Going off the
 12 record, 5:15. This is the end of Tape 3,
 13 Volume 1 of Belinda Lane's deposition.
 14 Thank you.
 15 (Recess taken at 5:15 p.m.)
 16 (Resumed at 5:24 p.m.)
 17 THE VIDEOGRAPHER: This is the
 18 beginning of Tape 4, Volume 1, and a
 19 continuation in the deposition of Belinda
 20 Lane. On the record, 5:24.
 21 BY MR. WERBNER:
 22 Q. Approximately what year was it, Ms. Lane,
 23 when you went through your divorce?
 24 A. Do I have to answer that question?
 25 Q. What year?

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1 MR. L. FRIEDMAN: Can you tell us
 2 what that has to do with anything?
 3 BY MR. WERBNER:
 4 Q. Well, I don't know. Was it 2002, 2003,
 5 2001, 1999?
 6 A. It was -- my actual divorce was -- again,
 7 I can't -- I can't be clear on the date. Probably
 8 about 2005 or 6, but it -- my husband left before
 9 that, so it took quite a long time for us to
 10 eventually get around to divorce.
 11 Q. I don't mean to pry, but in your view,
 12 does your marital or family situation have anything
 13 to do with what you were doing or not doing as a
 14 relationship manager with Interpal?
 15 A. No.
 16 Q. What is a Streamline account, as that
 17 term was used by NatWest?
 18 A. Streamline is the system that's used for
 19 receiving payments. No, just a moment. I am
 20 getting confused here.
 21 Streamline? It's the system by which people
 22 can receive credit card and debit card payments; so
 23 if you go into a shop with your card and you want to
 24 pay for something (indicating), they would use the
 25 Streamline system, and they will have a Streamline

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1 machine and they will swipe your card and you will
 2 pay.
 3 Q. So I am a lawyer doing business in London
 4 with NatWest, and I want my client to be able to pay
 5 my fees through a credit card.
 6 Would I need to be somehow enrolled in a
 7 Streamline account?
 8 A. Yes.
 9 Q. Did Interpal have a Streamline account at
 10 NatWest so that they could get monies through credit
 11 card charges?
 12 A. I believe they did.
 13 I think there may have been a reference to
 14 Streamline in one of these documents (indicating).
 15 Q. If there is a reference in these NatWest
 16 documents about Interpal and a Streamline account,
 17 it would be this ability to get monies through
 18 credit card charges?
 19 A. Yes.
 20 Q. Let me hand you what's been marked as
 21 Lane Exhibit 11, please, ma'am. It has the Bates
 22 number NW 13639.
 23 A. Thank you.
 24 Q. It's one page.
 25 It appears to be a synopsis of a customer

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1 meeting that you had with Interpal. Let me know
 2 when you have had a chance to look over that.
 3 A. Yes.
 4 Q. Is this, Lane Deposition Exhibit No. 12,
 5 a true and correct copy of a --
 6 A. It's 6.
 7 Exhibit No. 11, not 12.
 8 Q. I apologize. Let me rephrase.
 9 You have Lane Deposition Exhibit 11 in front of
 10 you, correct?
 11 A. Yes.
 12 Q. Is that a true and correct copy of a
 13 record you made on or about 27 January, 2003
 14 concerning your meeting with Interpal?
 15 A. Yes.
 16 Q. And did you make this record in the
 17 course of your business?
 18 A. Yes.
 19 Q. And did you keep a copy as part of the
 20 regular business of being a relationship manager at
 21 NatWest for Interpal?
 22 A. There would have been a copy placed in
 23 the file, yes.
 24 Q. And that would have been your routine
 25 business --

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1 A. Yes.
 2 Q. -- practice?
 3 And is the handwriting on here something you
 4 can recognize?
 5 A. That's not my handwriting, no.
 6 Q. Do you know whose it is?
 7 A. I don't know whose it is. I could make
 8 a --
 9 Q. Educated guess?
 10 A. -- guess.
 11 Q. Terry Woodley?
 12 A. Terry Woodley.
 13 Q. Is that in part because he was your
 14 assistant and he attended the meeting as shown on
 15 the exhibit?
 16 A. Yes.
 17 Q. So again, not holding you to life or
 18 death, but is it your best belief that that's Terry
 19 Woodley's handwriting?
 20 A. Yes.
 21 Q. And is Terry a he or a she?
 22 A. He.
 23 Q. And so does this record enable to you say
 24 that at the end of January '03, Interpal was in
 25 Cricklewood?

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1 A. Yes.
 2 Q. And as a result of that, are you better
 3 able to say whether that was the new place or the
 4 old place, or not really?
 5 A. That would have been the new place.
 6 Q. All right. Do you know if -- if this
 7 meeting at the end of January '03 was the first time
 8 you had been at their new location in Cricklewood?
 9 A. No, because the -- Exhibit 3, 20th of
 10 March 2002, also says Cricklewood.
 11 Q. All right. Did the earlier exhibit
 12 indicate where their location was in an earlier
 13 point in time?
 14 A. Not that I can recall.
 15 Q. All right. When you say at the beginning
 16 of this exhibit, "Please see interview note from
 17 last year dated 20 March of '02," who are you saying
 18 to please see?
 19 Just the bank as a whole?
 20 A. I think -- yes, I think that's --
 21 MR. L. FRIEDMAN: Object to the form.
 22 THE WITNESS: -- just a note.
 23 MR. L. FRIEDMAN: Go ahead.
 24 THE WITNESS: I think that's just a
 25 note referring to that interview note,

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1 because that contains some detail.
 2 BY MR. WERBNER:
 3 Q. But when you say "please see," you just
 4 mean for the NatWest businesspeople?
 5 A. Yes.
 6 MR. L. FRIEDMAN: Object to the form.
 7 BY MR. WERBNER:
 8 Q. And you note in this deposition, Lane
 9 Exhibit 11, that they are getting 40 percent of
 10 their revenues from abroad, correct?
 11 A. Yes.
 12 Q. And you say they have renegotiated their
 13 lease in Cricklewood for another five years.
 14 Do you see that?
 15 A. Yes.
 16 Q. And you are noting that though you
 17 haven't seen the audited accounts for '02, and of
 18 course you are writing this still in January of '03,
 19 right?
 20 A. Yes.
 21 Q. So you are expecting to receive those
 22 later in '03 for the '02 year?
 23 A. I would -- I would hope to receive them
 24 in 2003.
 25 Q. But they told you at the end of January

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1 '03, according to Lane Exhibit 11, that their
 2 revenues were once again increasing, correct?
 3 A. Yes.
 4 Q. And that they were going to be more in
 5 '02 than the 4.2 million pounds they had been in
 6 '01?
 7 A. Yes.
 8 Q. And you noted that they were getting
 9 monies from, among other places, from Saudi Arabia,
 10 Yemen, Bahrain and Kuwait, correct?
 11 MR. L. FRIEDMAN: Object to the form.
 12 THE WITNESS: Yes, there's a few
 13 other countries as well on there
 14 (indicating) that --
 15 BY MR. WERBNER:
 16 Q. Uh-huh.
 17 A. -- were not.
 18 Q. And there's a note here that -- that a
 19 lot of people are -- are bringing cash to Interpal
 20 into the NatWest branch in Cricklewood? Is that a
 21 correct reading of this memo?
 22 MR. L. FRIEDMAN: Object to form.
 23 THE WITNESS: No, it was customers of
 24 Interpal taking their own deposits that
 25 they received into the branch, not -- not

HIGHLY CONFIDENTIAL Page 291

1 other -- other people.
 2 BY MR. WERBNER:
 3 Q. Clarify. I'm not sure I understand.
 4 A. You say "people" --
 5 Q. Say it the right way.
 6 A. Right, so it was the staff of Interpal,
 7 when they received the deposits, they would take
 8 those monies into the branch.
 9 Q. In cash?
 10 A. Yes, they -- well, yes, coin and cash
 11 (indicating).
 12 Q. And -- and these Interpal people were
 13 bringing cash deposits to the NatWest branch located
 14 in Cricklewood --
 15 A. Yes.
 16 Q. -- in North London?
 17 A. Yes.
 18 Q. And that was something that you noted in
 19 Lane Exhibit 11?
 20 A. Yes.
 21 Q. Now, what is RMP (indicating) as referred
 22 to down at the bottom of the memo?
 23 A. Oh, RMP is our internal paper to our
 24 credit department when we request, for example,
 25 documentary credit facilities.

HIGHLY CONFIDENTIAL Page 292

1 Q. Do you know what RMP stands for --
 2 A. Oh --
 3 Q. -- more or less?
 4 A. Relationship manager platform.
 5 Q. Was that kind of some sort of software
 6 to --
 7 A. Yes.
 8 Q. -- to -- and what is RM4?
 9 A. That was Terry Woodley's title.
 10 Q. What was your title? You are like 007
 11 and he's 008? I mean --
 12 A. No.
 13 MR. L. FRIEDMAN: Object to the form.
 14 THE WITNESS: I was commercial
 15 manager.
 16 BY MR. WERBNER:
 17 Q. I mean -- but RM4 is -- is -- is a
 18 reference to Terry Woodley?
 19 A. Yes.
 20 Q. Who was RM1, 2, and 3?
 21 A. We didn't have RMs 1, 2, and 3. That was
 22 just what they were called, RM4.
 23 Q. Oh, all of them?
 24 A. All of the assistants to the manager are
 25 RM4.

EXHIBIT 39 to Declaration of Joel Israel



INTERPAL

الصندوق الفلسطيني للاغاثة والتنمية
HELPING PALESTINIANS IN NEED

P.O. Box 3333

London

NW6 1RW

Tel: 020 8450 8002

Fax: 020 8450 8004

E-mail: info@interpal.org

Website: www.interpal.org

Our Ref: (5583)

Date: 20 June 2001

Ms. Belinda Lane
Business Manager
NatWest PLC
Islington Business Centre
Fax No: 020-8344 1069

IBC

Dear Belinda,

IBC

URGENT

New US\$ Sub-Account

The Trustees of INTERPAL wish to open a new US Dollar Sub-Account under the name I'tilafu al-Khayr (Union for Good) to facilitate our latest international fundraising campaign. We should be grateful if you could assist in this matter, and open this new sub-account at the earliest possible opportunity as a matter of urgency. The new account is to be a current account. We would require paying-in books, but not cheque books.

Thank you for your kind attention, and we look forward to your reply and receiving details of the new sub-account soon.

Yours sincerely;

J. Qundil
Secretary to the Trustees

I. Hewitt
Chairman of the Trustees

I confirm that the account can be opened.
Please link to 140 03302822

Bani

Registered Charity No. 1040094

20 JUN '01 13:42

00000000 PAGE.001
** TOTAL PAGE.001 **

EXHIBIT 40 to Declaration of Joel Israel

15 Aug 01 11:21

AT

0000000000

P.2

FROM : J

FAX NO. : 02082570040

15 Aug. 2001 11:42 P1

M. YUNUS & CO.
Chartered Accountants & Registered Auditors

300 Remond Road
London E8 9DQ
Tel: 020 6257 1400
Fax: 020 6257 0040

The Manager
National Westminster Bank Plc
Finsbury Park
208 Seven Sisters Road
London
N4 2BW

To: General Queries
Dlw
checked
& note
31/8/01

15 August 2001

Our Ref: MY

Dear Sir/Madam,

Re: Palestinians Relief & Development Fund -Interpal -Y/E 31.12.2000

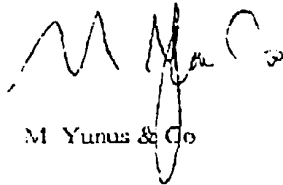
In accordance with the agreed practice for provision of information to auditors, please forward information on our above mutual client as detailed below on behalf of the bank, its branches and subsidiaries. This request and your response will not create any contractual or other duty with us.

Audit confirmation date: 31.12.2000

Information required: Standard

The authority to disclose the information is already held by the bank

Yours faithfully,


M. Yunus & Co

Palestinian Relief & Development Fund - INTERPAL

Bank Details: NatWest Bank PLC.
Finsbury Park Branch
298 Seven Sisters Road
London
N4 2AF
(Tel: 020-8805 7000)

Bank Sort Code Number: 60-08-22

STERLING ACCOUNTS

INTERPAL:

- **Main Account No:** 95142940
- **Admin Account No:** 95142983
- **Children Account No:** 95142975
- **Zakat Account No:** 95142967
- **Families Account No:** 95145397
- **Interest Account No:** 95142959

- [REDACTED]

FOREIGN CURRENCY ACCOUNTS

INTERPAL:

- **Main USS A/C No:** 140-00-04156838
- **USS A/C No:** [REDACTED]
- **Families USS A/C No:** [REDACTED]
- **Islamic Heritage USS A/C No:** [REDACTED]
- **(Business Currency Reserve) A/C No:** [REDACTED]
- **I'tilafu Al-Khayr USS A/C No:** 140-00-08537933
- **Euro A/C No:** [REDACTED]



INTERPAL

المستودع الفلسطيني للاغاثة والتنمية

HELPING PALESTINIANS IN NEED

PO Box 3237

London

NW6 1RW

Tel: 020 8450 8002

Fax: 020 8450 8004

E-mail: info@interpal.org

Website: www.interpal.org

Our Ref: (5801)

Date: 15 August 2001

FAO: Ms. Belinda Lane
Business Manager
NatWest PLC
Islington Business Centre
Fax No. 020-8344 1069

Dear Belinda,

Please find attached a letter of information request from our Auditors sent to your bank. As a matter of urgency we would be most appreciative should you follow this up.

For your convenience please also find attached a list of the bank accounts relating to INTERPAL.

Thank you for your kind attention and we look forward to your reply.

Yours sincerely,

J. Qundil
Secretary to the Trustees

EXHIBIT 41 to Declaration of Joel Israel



INTERPAL

الصندوق الفلسطيني للاغاثة والتنمية

P.O. Box 3333
London, NW6 1RW
Tel: 0181 450 8002
Fax: 0181 450 8004
Our Ref: IBT/06/99
Date: 24 June 1999

INTERPAL Board of Trustees

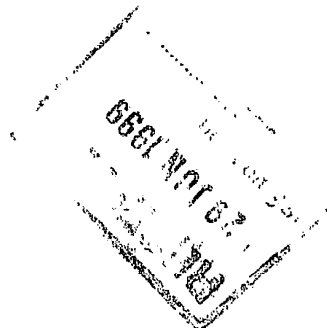
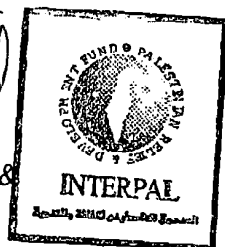
Up-to-date List

Please accept this as the current up-to-date list of the INTERPAL Board of Trustees as at 24 June 1999:

<u>Name</u>	<u>Date of Appointment</u>	<u>Date of Resignation</u>
Mr. Essam Y. Mustafa (Founder) ✓	July 1994	---
Mr. Mahfuzh Safiee (Founder) ✓	July 1994	---
Dr. Issam Shaker (Founder) ✓	July 1994	---
Mr. Ghassan Faour ✓	16 September 1997	---
Mr. Ismail Ginwala ✓	21 September 1996	---
Mr. Ibrahim Brian Hewitt ✓	21 September 1996	---
Mr. Shahan Izzat Husain ✓	21 September 1996	---
Dr. Abdul Karim Vania	2 December 1997	---
Dr. Abdul Rahim Nassrullah (Founder)	July 1994	21 September 1996
Dr. Mustafa Tolha (Founder)	July 1994	16 September 1997
Mr. Abdel Rahman Abou Daya (Founder)	July 1994	28 February 1998

Signed;

J. Qundil
Administration Manager &
Secretary to the Trustees



**EXHIBIT 42 to Declaration of Joel Israel
(Bank Transfer, 9 pages)**

This document has been filed Under Seal